

# Summary of Public Comments

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## NHDES Public Information Meetings Relative to the Proposed Land Resources Management Reorganization

February 8, 2016

### Meetings: Fall 2015

Concord – November 2<sup>nd</sup>

Portsmouth – November 3<sup>rd</sup>

Laconia – November 5<sup>th</sup>

Littleton – November 9<sup>th</sup>

Keene – November 10<sup>th</sup>





February 10, 2016

The New Hampshire Department of Environmental Services (NHDES) held six outreach meetings on its proposed Land Resources Management (LRM) reorganization. This summary contains three sections: **1)** A compilation of the frequently asked questions (FAQs) at each of the six sessions, including the NHDES responses thereto; **2)** A summary of general comments received, not covered by the FAQs, including the NHDES responses thereto; and **3)** An appendix containing copies of all e-mails and letters received.

NHDES takes all comments and suggestions very seriously. The diverse range of perspectives has helped NHDES to understand the scope of changes needed to enhance customer service for our stakeholders.

If you did not have an opportunity to attend one of the six meetings and still wish to provide comments, you may do so by e-mailing or mailing comments directly to Gene Forbes, Director of the Water Division, at the contact information below.

Thank you for your interest in improving NHDES's organizational structure to help enhance NHDES's ability to achieve its mission of helping to sustain a high quality of life for all citizens by protecting and restoring the environment and public health in New Hampshire.

Gene Forbes, Director, NHDES Water Division

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Concord, NH 03221

[eugene.forbes@des.nh.gov](mailto:eugene.forbes@des.nh.gov)

## **Introduction**

The reorganization as proposed will consolidate and integrate 3 currently separate bureaus: Wetlands, Subsurface, and Alteration of Terrain into a new Land Resources Management (LRM) Bureau. These 3 existing bureaus are currently under the direct management of the Assistant Director of the Water Division and are collectively called the LRM programs. This reorganization will combine the three existing bureaus into a single LRM Bureau, which will have 3 new sections: 1) Regional Program Operations; 2) Engineering & Technical Services; and the 3) Program Development, Information & Data Systems. These sections would be overseen by the LRM Administrator.

The reorganization of the LRM programs will streamline LRM permit processes, enhance customer service, achieve greater consistency and provide better environmental outcomes.

### **LRM Administrator and direct reporting personnel**

The LRM Administrator will be responsible for overall operations and oversight of the bureau. This individual will report directly to the Assistant Director of the Water Division.

Reporting directly to the LRM Administrator will be the Special Projects Administrator and an attorney who will work cooperatively with the DES Legal Unit.

Additionally, Administrators directly reporting to the LRM Administrator will manage the following sections:

- 1) Regional Program Operations
- 2) Engineering & Technical Services
- 3) Program Development, Information & Data Systems

### **1) Regional Program Administrator and reporting personnel**

A Regional Program Administrator will be responsible for managing LRM permit, inspection, and compliance operations. Five Regional Managers and a Compliance Coordinator will report directly to the Regional Program Administrator. A primary focus of this section will be to ensure timely and appropriate review of LRM permit applications and compliance actions. Existing Environmentalist positions will be assigned across five regions to ensure a balance of LRM multi-media skills and regional knowledge.

Weekly administrator, regional manager, and compliance meetings will be held to ensure regional consistency and to assess workload, productivity, policy issues, compliance, and stakeholder needs.

### **2) Engineering & Technical Services**

This section will be responsible for the management and technical review of alteration of terrain applications, applications filed by the New Hampshire Department of Transportation (NHDOT), and provide technical guidance on all LRM activities that may require engineering or technical analysis.

### **3) Program Development, Information & Data Systems**

The Program Development, Information & Data Systems Administrator will be responsible for 5 units including: Administrative Services; Data Systems; Communications & Training; Resource Protection & Mitigation; and, Program Development.

This section will be responsible for providing support to LRM program operations through administrative processing, communications, website and training, data systems analysis and reporting, and program development improvement projects.

## **SECTION 1 – Responses to *Frequently Asked Questions* (FAQ)**

**This FAQ was developed to provide a summary of common questions received at the Fall Outreach sessions, as well as the NHDES responses.**

### **1) Why is Land Resources Management being reorganized?**

The Department of Environmental Services is firmly committed to continuously improving the efficiency of its operations and responsiveness to its customers. As a part of this effort, in 2009, [Lean](#) events were held within each of the LRM Bureaus to focus on streamlining existing permitting processes and eliminating redundant actions. These events highlighted the necessity and benefits of combining bureau resources. As a result of these events, administrative bureau resources were combined, and a new Land Resources Management Permit Application Receipt Center (ARC) was created. This combining of resources resulted in a significant reduction in the turnaround times of the administrative completeness reviews for all LRM permit applications. It previously took as many as 14 days to conduct an administrative completeness review, and now all such reviews are completed within one business day of application receipt. The success that resulted from the ARC formation caused NHDES to look at additional benefits that could be achieved by further combining bureau resources to continue streamlining LRM permitting processes, enhance customer service, achieve greater consistency and produce better environmental outcomes.

Additionally, RSA 489, enacted into law in 2013, created the new LRM Integrated Land Development Permit Program. This new, voluntary permitting option will provide a coordinated approach and holistic perspective in regulating land development activities to protect the quality and functions of New Hampshire's natural environment. An integrated permit program could also offer significant efficiencies to DES's customers. Reorganizing LRM will allow DES to better use its existing resources to implement this new permitting program in addition to improving existing permitting and compliance activities.

## **2) How will the LRM reorganization enhance customer service?**

The reorganization takes a regional regulatory approach by creating 5 regions within the state. Rather than being responsible for large areas of the state through each of the separate bureaus, LRM staff will be assigned to these smaller regions. By combining the in-house bureau resources, and filling existing vacant positions primarily with regional staff, DES will be able to have more staff dedicated to regulatory activities in the field. A single LRM point of contact will be designated for projects requiring multiple LRM permits. This, in turn, will allow DES to enhance customer service by building strong working relationships with each region's applicants, stakeholders, municipal officials and conservation commissions. The new LRM Outreach and Training Unit's primary responsibility will be to enhance customer service. This dedicated outreach unit will expand and enhance existing on-line web-tool guidance and develop an LRM Outreach Plan to educate landowners, town officials, consultants, septic designers, and other important stakeholders. In addition, the Engineering and Technical unit will be available to consult with the regional staff, applicants and other interested parties on all projects to ensure that permitting and other matters are being addressed in an efficient and consistent manner across all regions of the states.

## **3) How will the LRM reorganization provide greater consistency?**

Through holistic reviews of land development projects and shared program resources, DES will be able to ensure greater consistency in regulatory decisions consistent with DES's mission. The LRM reorganization proposes a new LRM Outreach and Training Unit that will be responsible for creating guidance and training to implement new policies and procedures to ensure that all permitting and compliance activities are carried out in a consistent manner. The new Outreach and Training Unit will assist in transitioning existing programs to the new LRM organizational plan by developing training and mentoring plans for all LRM staff members. Additionally, this unit will be dedicated to enhancing on-line

web guidance and outreach to communities and stakeholders on any changes throughout the transition period and implementation.

Moreover, as part of the LRM reorganizational structure, a new Regional Administrator position (from an existing vacant position) is proposed. This new Regional Administrator will oversee all LRM daily regulatory activities and will meet with regional supervisors to ensure a consistent approach to all regulatory activities across the newly created regions. The LRM Regional Administrator will work closely with the new LRM administrator, the Engineering and Technical Services Engineer, and the Data Systems and Program Development Administrator to ensure that program development and support activities meet the needs of the daily regulatory activities and support the delivery of consistent services and approaches across all regions of the state.

#### **4) How will the LRM reorganization produce better environmental outcomes?**

Through the new LRM program structure, DES will be able to more fully meet its mission to protect and restore the environment and public health in New Hampshire through holistic reviews of multi-media effects of land development projects and shared program resources. Currently, Wetlands, Shoreland, Alteration of Terrain (AOT), and Subsurface applications are processed through separate forms, separate plans, and separate processes, each with separate DES personnel. By streamlining and transforming the current piecemeal review, DES will be able to eliminate potentially conflicting directives received on application project plans and reviews, thereby creating a more balanced and efficient approach and resulting in a fuller understanding of efforts taken to address all environmental impacts and benefits of a proposed project. In addition, projects seeking approval under RSA Chapter 489, Integrated Land Development Permit, are eligible to request waivers of certain permitting requirements if the applicant “demonstrates that the proposed project will achieve a superior overall environmental outcome...” (See RSA 489:4, II.)

By combining in-house bureau resources, DES will be able to have more staff dedicated to each new region. More DES region staff will be available to provide

on-site guidance relating to the specific locations at which LRM permits are sought. Additionally, staff will have a much greater regional understanding of each of the following, and be able to more effectively and efficiently incorporate this knowledge into the permitting processes as appropriate:

- Individual watersheds
- Impaired waterbodies
- Designated Rivers under RSA 483-A and their Local River Advisory Committees
- Fourth order and greater streams and rivers protected under RSA 483-B
- Sensitive wetlands
- Undersized culverts and stream crossings
- Conservation easements
- The Wildlife Action Plan (WAP)
- Awareness of large projects such as projects that require an Alteration of Terrain Permit or Subdivision approval
- Conservation Commissions
- Municipal Staff
- Local Consultants and Contractors

## **5) How will the proposed new regions operate?**

Existing staff having a wide range of LRM program expertise will be assigned to each of the regions. A regional supervisor will determine the complexity of each project proposal and will distribute it to the appropriate staff member assigned to the region. Each region will be equipped to review all types of LRM permit applications at the same time and to inspect all LRM project sites. Permit applications requiring technical engineering review will be reviewed by our licensed professional engineers or by staff who have been trained by professional engineers. The regional staff, as well as applicants and their consultants, and other interested parties, can request the involvement of the Technical Unit on a project if they believe that such review may be helpful due to a project's complexity or to help ensure statewide consistency.



**6) Will you have only one permit application reviewer per region?**

No. DES will have multiple permit application reviewers dedicated to each new region. After comprehensive training, many LRM permit application reviewers will have the ability to review multiple types of LRM permit applications. With increased staffing and efficiencies, DES will be able to decrease permit application review times for all types of permits while not increasing existing standard turnaround or review times for any types of permits, including subsurface permits.

**7) Will there be a need for any new legislative activity?**

No. There are no plans to amend existing LRM statutes. However, in 2013, under [RSA 489](#), a new LRM Integrated Land Development Permit Program was established and NH DES has the rulemaking authority to adopt new administrative rules under this statute. This new, voluntary permitting option will allow applicants seeking multiple LRM permits for a single project to acquire these permits by submitting one permit application package once administrative rules for this purpose have been adopted. The reorganization of the Land Resources Management programs will provide the staffing to draft those rules and help facilitate the transition to, and processing of, the voluntary Integrated Land Resources Management Permit.

**8) Will I be able to submit single permit application forms as I have in the past?**

Yes. Land Resources Management will continue to accept single permit applications for wetlands, alteration of terrain, shoreland, subsurface or subdivision matters, and is committed to continuing to process such applications within at least the same or shorter timeframes as are currently customary for each separate permit type. In the future, on a voluntary basis, applicants will have the option of submitting a single integrated permit application package for multiple LRM permit types for the same project.

**9) Will the permit application forms change in 2016?**

NHDES does not currently anticipate the LRM permit application forms undergoing substantial revisions in 2016. If any changes to LRM paper forms are

made in 2016, they are likely to involve formatting rather than substantive revisions. However, DES does anticipate an acceleration in 2016 of ongoing efforts to make more of its application forms available for use in a direct electronic filing format, but such forms will be available as an alternative to the use and filing of paper forms. Moreover, once necessary rulemaking has been completed, DES will create a new LRM permit application form for applicants that elect to utilize the new Integrated Land Resources Management Permit option pursuant to RSA Chapter 489.

**10) Today, I am able to get a Septic System Construction Approval (CA) in 1 day. Will this process that works well today be slowed in the future?**

No. Septic System Construction Approvals submitted electronically will still receive the same 1 day review time, and will be approved within that 1 day, provided they meet all applicable requirements.

**11) Will I be able to submit Shoreland Permit Applications electronically in the future?**

Yes. It is NHDES's goal to implement an electronic permit application submittal process for all LRM programs over the next few years.

**12) Will the public have greater access to Land Resources Management data in the future?**

Yes. Land Resources Management is currently in the midst of updating its databases. The goal is to create a more user-friendly interface that will allow the public to have better access to documents relating to all LRM permitting decisions.

**13) How much will it cost to transition to this new organizational structure?**

The proposed reorganizational structure will be established through the reclassification of existing and vacant positions. These positions are funded through the dedicated Land Resources Management permit application fees. DES does not currently anticipate requesting any fee increases in order to implement this proposed reorganization.

**14) How many new positions will be created?**

No new positions will be created. Several existing and currently vacant positions will be reclassified.

**15) Why are there vacant positions today?**

The quantity of vacant positions is a function of the economy. Historically, LRM has taken a very conservative approach to filling vacant positions. Vacant positions are only filled when there is a demonstrated need based on significant, prolonged, and projected increases in the volume of Land Resources Management permit applications. Over the last 8 years, the economy has been functioning in a way that has not required the filling of vacant LRM positions. Looking forward, NHDES believes that increasing economic and permitting activity will support the filling of a number of currently vacant positions.

**16) Will LRM septic permit application reviewers be trained to review Alteration of Terrain permit applications?**

No. LRM septic permit application reviewers will not be reviewing AOT permit applications. LRM staff located in the proposed Engineering & Technical Services Section who are licensed professional engineers and/or properly trained and subject to oversight by professional engineers will be reviewing AOT Permit Applications.

However, current LRM septic system inspectors will be trained to inspect sites where AOT, Wetlands, and Shoreland permits have been issued. After training, LRM septic system inspectors will have the ability to ensure that construction at these AOT sites is occurring in accordance with the applicable approved plans and that best management practices for erosion and sediment control are being utilized. All field inspectors will be able to confer with the Engineering and Technical Services Section or other LRM staff as appropriate to ensure consistency in interpretation of approved plans and in the application of applicable laws and rules.

**17) Will there be a greater opportunity for staff to perform follow-up site inspections?**

Yes. Once comprehensive LRM training is completed, current LRM inspectors will have the ability to inspect the project sites for all LRM programs. The assignment of these inspectors to a region (each of which will have a Regional Administrator) will allow LRM to make projects and travel assignments in ways that increase efficiency and provide greater opportunities for on-site pre-application meetings and site inspections.

**18) How will enforcement be handled within the LRM reorganization?**

Enforcement will be coordinated by an LRM Compliance Coordinator. This position will report to the Regional Program Administrator. This position will work with the Regional Administrator and each of the Regional supervisors to coordinate compliance inspections and actions. The LRM Compliance Coordinator will also work closely with each regional manager and the LRM Attorney. Currently, LRM staff meet biweekly to review cases with LRM administrators to ensure that multimedia actions are coordinated and consistent. A similar process will be followed under the new structure, which will be further enhanced by the increased staffing in each region which will allow increased technical assistance and compliance inspections with a regional focus. DES's plan is to enhance service through increased outreach and a clear customer-oriented approach. DES anticipates that its enforcement approach will include a heavy emphasis in the first instance on providing education and outreach. DES believes that compliance with environmental laws is best ensured by using a multi-tiered, multi-media approach that includes education and outreach, compliance assistance, compliance monitoring and, where appropriate, formal enforcement.

**19) Will there be a greater opportunity for inter-departmental communication? For example, among and between NHDES, the NH Department of Transportation (NHDOT) and the NH Fish and Game Department (NHF&G).**

Yes. In the future, applicants using the new Integrated Land Permitting option, in a pre-application process, will have the opportunity to meet with representatives from other state agencies that may have an interest in their project, such as the NH Department of Transportation, NH Fish and Game Department and the NH Division of Historical Resources. It should also be noted that the same level of LRM staff that is currently dedicated to working with the NHDOT, and our other sister agencies, will continue to work in this capacity.

**20) Where will the Aquatic Resources Mitigation (ARM) Fund be located within the new organizational structure?**

Yes. The Aquatic Resources Mitigation (ARM) Fund will continue to operate as it has historically with the same level of staffing. Under the new LRM organization, the ARM fund will be within the Program Development, Information and Data Systems section.

**21) How will you train the staff members? Will continuing education be required?**

At this time, many LRM staff members already have a strong working knowledge of multiple LRM programs. Senior staff members possessing this broad knowledge base will act as mentors to the other staff members within their respective regions. A comprehensive training program will be implemented for all staff members, and staff will be required to attend continuing education programs on a regular basis.

**22) Will new regional offices be created?**

No. At this time DES does not anticipate creating any new regional offices. DES does anticipate that existing regional offices will remain in operation at their existing staffing levels, and that the staff in those regional offices will receive the necessary training to perform multimedia inspections.

**23) Will Conservation Commissions and Local River Advisory Committees be afforded the same opportunity to review and comment on permit applications?**

Yes. Land Resources Management will continue to honor all existing statutory time frames and there are no plans to amend LRM program statutes in a way that would affect existing Conservation Commission and Local River Advisory Council permit application review timeframes.

**24) Will municipalities that require local septic approval (i.e., “*prior approval towns*”) be affected?**

No. Municipalities that require local septic approvals to be obtained prior to submittal of an application to NHDES for the State of NH septic system approval will not be affected.

**25) Will the public be provided with outreach and training before the LRM reorganization is initiated?**

Yes. In addition to the multiple outreach meetings NHDES has already held, Land Resources Management plans on providing specifically tailored outreach to all of its stakeholder groups and to the multiple regions of the state throughout the implementation phase of this reorganization.

**26) Will the LRM reorganization result in the loss of specialists?**

No. Throughout the reorganized structure LRM will retain a full range of employees who have specialized knowledge and are able to act as specialists. Moreover, by promoting the development of staff knowledge of overall environmental and related conditions within each of the five LRM regions of the state, the LRM reorganization will foster the creation of new forms of specialized knowledge that will further support the delivery of permitting and related services.

## SECTION 2 – Comments Received

At the six LRM reorganization outreach sessions, NHDES heard similar questions at each session and the NHDES responses to these frequently asked questions (FAQs) have been compiled in Section 1 above. Where there were unique comments, these and the NHDES responses thereto have been captured in Section 2 below:

### Concord, November 2, 2015

**Public Comment:** I recommend you read the book by Eleyaher M. Goldratt entitled, “The Goal”. The book talks about how you need different depths of expertise. He has decades of experience seeing every possible way things can go wrong. I have an appreciation of the specialized knowledge having dealt with the Subsurface Bureau. In The Goal, the Toyota way – you have to rely on good specialized people. The book also talks about a team of 27 specialists that helped with the Tsunami and saved 350 lives. The book also talks about success at the Caterpillar company.

**NHDES Response:** Personnel with specialized skills and knowledge will continue to be involved in complex projects as needed and will be encouraged to participate in the mentoring and training of other LRM staff members.

**Public Comment:** It appears that merging the LRM permit application forms could be problematic.

**NHDES Response:** NHDES will still have separate applications forms available for each of the existing LRM permitting programs. As a voluntary alternative, applicants may elect to utilize a new integrated permitting process by submitting a single permit application package on a form that will be developed by NHDES pursuant to [RSA Chapter 489](#).

**Public Comment:** As you’re re-writing the new Wetlands Rules, we hope this initiative will be considered.

**NHDES Response:** As NHDES moves forward with amending the Wetlands Rules, staff will be looking for opportunities to achieve greater consistency and streamline permitting processes, consistent with the intent of this reorganization.

**Public Comment:** I think it would be a good idea to include the Dam Bureau in the reorganization.

**NHDES Response:** Due to the public safety implications of dam construction and maintenance reviews, NHDES determined that, at least in the near-term, all permitting and other responsibilities of the Dam Bureau should remain under the Chief Water Resources Engineer.

**Public Comment:** Now would be a good time to remove the wetlands bureau's oversight of docks.

**NHDES Response:** The wetlands bureau's responsibilities, including the permitting and regulation of docks and related structures are specified in state law and will be integrated into the reorganized LRM Bureau. Following completion of the rules revision process that is currently underway, NHDES expects to have an application form tailored specifically for docks which will enhance clarity for the public and decrease LRM permit review times for this type of project.

**Public Comment:** Will integrated permitting have a fee schedule worked out?

**NHDES Response:** Pursuant to RSA 489, the fees assessed for an integrated permit application will not differ in total from what the fees would be if individual permit applications were filed under each of the applicable programs. [See RSA 489:7, I](#). In addition, in conjunction with the pre-application technical review process, NHDES may require the applicant to pay up to 30% of the expected final application fee up front in order to help offset NHDES's costs prior to submittal of the complete permit application package. [See RSA 489:6, II](#). Any payment made in the pre-application process is applied toward the final permit application fee.

## Portsmouth, November 3, 2015

**Public Comment:** It appears you will take whoever is available and you'll be bringing them outside their comfort zone. They may only be familiar with one LRM discipline and it will require you to send two staff members into the field.

**NHDES Response:** Once the comprehensive LRM training program is completed, current LRM inspectors will be able to confidently inspect the sites of all LRM disciplines. This will allow LRM to become more efficient in our daily operations as we anticipate a significant reduction in LRM inspectors, of varying disciplines,



traveling to the same site. This combining of resources will allow more staff to be devoted to each new region and this will, in turn, enhance customer service, create better environmental outcomes and achieve greater consistency in all LRM decisions.

**Public Comment:** The new reorganization means more engineers checking more stuff, more people, more managers and more red tape - a political nightmare with different regions shifting around. This is going in the wrong direction.

**NHDES Response:** NHDES disagrees with this comment and firmly believes that combining the resources of the three existing bureaus into a single bureau will enable NHDES to take what's working already and use that knowledge to improve all of the operations. The new LRM Bureau will streamline existing permitting processes, enhance customer service, achieve greater consistency and produce better environmental outcome, thereby better meeting the overall mission of NHDES of protecting and restoring the environment and public health for the citizens of NH.

**Public Comment:** Your proposed seacoast region extends all the way up to Ossipee, where there is very different soil. You're going to need more specialized people, and this is going to cost the state a lot of money.

**NHDES Response:** Staff members possessing specialized skills will be retained and are currently expected to remain within the regions with which they're most familiar. When specialized resources are required, regional supervisors will have the ability to assign projects to staff equipped with the skills necessary to handle the task. The proposed reorganizational structure *does not* create new positions. Several existing and currently vacant positions, funded by LRM permit application fees, will be reclassified and NHDES does not anticipate raising permit application fees.

**Public Comment:** You have a number of experienced specialists now who will become generalists and they will not be able to make good decisions. Lots of training will be required.

**NHDES Response:** NHDES will not lose its specialized staff members and recognizes that a comprehensive training program must be implemented in order to successfully transition to the proposed organizational structure. NHDES plans on utilizing senior staff possessing specialized skills to act as mentors and assist in cross-training of junior staff members.

**Public Comment:** Why are you telling us this now? It doesn't matter to us how you send your staff around the state.

**NHDES Response:** After NHDES carried out initial outreach on the proposed LRM reorganization, NHDES received more questions from key stakeholders and recognized that the proposed reorganization warranted additional outreach. NHDES feels it's important to not only demonstrate how the agency will benefit but also to show how you, the customer, and NH's environment will benefit as well.

**Public Comment:** It will be a challenge getting the right people in the right jobs and not have too much back and forth discussion between technical staff and engineers which will slow things down more compared to allowing the senior staff person to do the work themselves.

**NHDES Response:** LRM staff located in the proposed Engineering & Technical Services Section who are licensed professional engineers and/or properly trained and subject to oversight by professional engineers will continue to review permit applications requiring a high level of technical expertise. NHDES is committed to decreasing and, at the very least, meeting all current LRM permit application review times, including the 1 day review time on Septic System Construction Approvals submitted electronically.

### **Laconia, November 5, 2015**

**Public Comment:** The goals sound great but you haven't given us the specifics of how this will be accomplished - we need more details.

**NHDES Response:** Once the comprehensive LRM training program is completed, current LRM inspectors and permit reviewers will have the ability to inspect the sites and permits of all LRM disciplines. Ultimately, this will result in greater efficiency and decreases in permit review times. Specially tailored outreach to all stakeholder groups is planned in multiple regions of the state in connection with the implementation of this new organizational structure. (Moreover, this Summary of Public Comments provides additional details.)

**Public Comment:** One of the great advantages of having silos is having specialized staff.

**NHDES Response:** NHDES will not lose its specialized staff members and

recognizes that a comprehensive training program must be implemented in order to successfully transition to the proposed organizational structure. NHDES plans on utilizing senior staff possessing specialized skills to assist in cross-training and mentoring of junior staff members.

**Public Comment:** The wetlands permit application forms are too complex, they are too long and need to be simplified. There are errors on the existing Wetlands Permit Application Forms.

**NHDES Response:** The LRM reorganization includes creation of an LRM Training and Outreach Unit whose primary responsibility will be to simplify existing permit application forms, enhance existing online tools, and assist in making LRM Bureau forms available for use and filing in an online format. The reorganization proposes 3 full-time dedicated outreach staff who will work on website improvements, guidance and outreach. If you have detected an error on an existing permit application form, please bring it to our attention so we can make the necessary correction.

**Public Comment:** The Division of Historical Resources is holding up projects. It's not practical to have the DHR hold up projects that only propose to replace an existing grandfathered dock and that have no impact to historical resources.

**NHDES Response:** Through the LRM reorganization, NHDES will have project development staff whose job will be to identify ways to streamline and work with other local, state and federal entities, such as the NH Division of Historical Resources(DHR), to facilitate the handling of these types of issues. Additionally, applicants who elect to use the new Integrated Land Permitting option will have the opportunity in a pre-application process to meet with representatives from other state agencies(including DHR) prior to submitting an application package.

Littleton, November 9, 2015

**Public Comment:** The Subsurface Systems Bureau is fine the way it is. Today, I'm able to get my Septic Approval in one day. The Wetlands Bureau is the problem and needs to be fixed. We don't want the same people who are running the Wetlands Bureau now running the Subsurface Systems Bureau. I think this will slow down the Subsurface Systems Bureau permitting process that already works fine.

**NHDES Response:** NHDES is confident that by combining in-house bureau resources, all LRM permit review times will significantly decrease. NHDES is committed to, at a minimum, meeting all current LRM permit application review times, including the 1 day review time on Septic System Construction Approvals submitted electronically.

**Public Comment:** The Wetlands Bureau needs to have greater consistency in terms of how permit applications are reviewed and approved.

**NHDES Response:** The LRM reorganization proposes a new LRM Outreach and Training Unit that will be responsible for developing policies and procedures and implementing training to ensure that all permitting activities are carried out in a consistent manner. Additionally, as part of the new organizational structure, a new Regional Administrator Position will be created. The new Regional Administrator will work closely with all new Regional Supervisors to ensure that permitting and regulatory activities are consistently applied throughout all regions of the state.

**Public Comment:** Today you never inspect sites after you issue permits. It appears this reorganization will allow more staff to inspect sites after issuing permits.

**NHDES Response:** Once the comprehensive LRM training program is completed, current LRM inspectors will be able to confidently inspect the sites of all LRM disciplines. NHDES anticipates this will result in the ability of LRM to follow-up and inspect a greater quantity of sites at which LRM permits have been issued.

**Public Comment:** We appreciate you taking the time to share your reorganization plans with the public.

**NHDES Response:** The public outreach comments and questions have helped

NHDES to understand the full breadth of issues that we need to address successfully in order to transition to and implement the proposed LRM reorganization.

Keene, November 10, 2015

**Public Comment:** I believe you're limited by the legislature and the legislature may be a major obstacle for this reorganization to occur.

**NHDES Response:** There are no plans to amend existing LRM statutes and, therefore, we do not anticipate the NH Legislature will impede implementing the proposed organizational structure. Additionally, in 2013, the New Hampshire Legislature enacted [RSA 489](#), the new LRM Integrated Land Development Permit Program. This law provides NHDES the rulemaking authority to adopt new administrative rules to facilitate the transition to, and processing of, the voluntary Integrated Land Resources Management Permit.

**Public Comment:** I'm astonished by the fact that all your programs are fee funded and not general funded.

**NHDES Response:** The Subsurface, Alteration of Terrain and Shoreland programs are all entirely fee-funded. The Wetlands program is supported primarily by application fees, but also receives limited general fund monies and some federal grants.

**Public Comment:** It's important to get LRM staff trained to become *Certified Wetlands Scientists*.

**NHDES Response:** The LRM reorganization proposes a new LRM Outreach and Training Unit that will be responsible for developing policies and procedures and implementing training. NHDES anticipates that by combining in-house bureau resources, some staff members have a greater opportunity to become certified wetlands scientists.

## SECTION 3 – E-Mails Received

**From:** Sylvia von Aulock  
**Sent:** Tuesday, November 03, 2015 9:14 AM  
**To:** Pelletier, Rene  
**Cc:** David Preece  
**Subject:** DES permit reorg

Hello Rene,

Yesterday, I attended the informational session for the permitting reorg. Certainly the general information which was shared, such as the driving force and goal behind the concept (stream-lining and efficiency), helped set the stage. However, vital information and details of the new permitting process was not made clear.

Some of the missing information I would like to understand better includes:

- new departmental overview,
- new permitting and review process flow chart,
- team approach and make-up,
- staff positions and duties associated with each new department,
- breakdown of regional operations to the town/watershed level.

Do you have this and other details in written format so that we can better understand the new approach? Also, how will the one Land Resource Management (LRM) permit be linked with other divisions?

As part of one of the nine Regional Planning Commissions, we are very interested in continuing a good working relationship with all State Departments, to dovetail expertise when possible, and by doing so, provide our communities with excellent service. It is important that we understand DES's direction, therefore, I look forward to improving our understanding of your future reorganization.

Thanks,

Sylvia von Aulock  
Deputy Executive Director  
Southern NH Planning Commission

**From:** Marie Samaha

**Sent:** Monday, November 09, 2015 2:17 PM

**To:** Pelletier, Rene

**Subject:** LRM Reorganization

Hi-

I attended your presentation in Laconia, last Thursday. Just some thoughts on the plan

- How will you ensure that the 3 subgroups - Reg. Oper., Eng., Program Dev. - communicate with one another?
- Should the heads of the 3 groups have a regular triage type of meeting when applications come in so the more complex ones can be tagged and all groups will know that communication will be important on it?
- Will there be someone to deal with watershed issues, especially those that cross regional boundaries?

I applaud your efforts to streamline the process.

Thank you,

Marie Samaha

Moultonborough Conservation Commission

**From:** Margaret Connors  
**Sent:** Wednesday, November 11, 2015 8:45 PM  
**To:** Pelletier, Rene  
**Subject:** Comments on DES reorganization

Dear Mr. Pelletier

Thank you for coming to Littleton on Monday evening, 11/9/15.

My chief concern as a conservation commission and select board member is that restructuring will NOT impact site visits by DES staff. We need more experts that will work with towns on site and in person.

How are you going to facilitate the training of staff in the different disciplines with a regional office approach?

Streamlining the application process is a good thing, but you also want to ensure that conservation commissions are notified effectively at the beginning of the process so that they have adequate time to comment. With an online and integrated application, communication with all stakeholders is key.

Your presentation was geared to the developer. As you move forward, equal weight must be given to protecting the state's precious resources. How do you maintain this objective if your budget is dependent on application fees?

Margo Connors, Sugar Hill



**From:** Josh Scotton  
**Sent:** Monday, November 16, 2015 8:55 AM  
**To:** Pelletier, Rene  
**Subject:** LRM Reorganization

Good Morning Rene,

After attending the LRM reorganization meeting November 2 we at Water Industries had a question. Currently when we bring a new product to market we usually deal with Rob Tardiff to get a NH DES approval letter. Who will be the contact person for this now.

Thank you

Josh Scotton  
Water Industries Inc  
74 Suncook Valley Rd  
Alton NH 03809

**From:** Joanne K. Coppinger  
**Sent:** Tuesday, November 24, 2015 12:32 PM  
**To:** Pelletier, Rene  
**Subject:** Water Division reorganization

Hello Rene:

I was at the Laconia public input session, and am (finally) writing to contribute my thoughts on the reorganization of the Subsurface, Wetlands, & AOT Bureaus.

I like the idea of having regions where you will have key personnel who really have their finger on the pulse of their area. My thought in this regard was that the regional managers should get to know key people in each town, especially Code Enforcement personnel, Conservation Committees, Planning Board members, Town Planners, and Selectmen. How easy would it be for the regional manager to ask someone to go investigate a site and take a few photos on their phone which they could send right from the site along with their observations? Having DES personnel driving to these distant places in so many instances could be avoided and I think you will find that local people are more than willing to help out. These folks have the same goals as the state, and getting to know them would improve communication, efficiency, and ultimately the goals of the state and the town. I think sometimes the state permit process is thought of as a completely separate process, when, ideally, it could be an integrated process, whereby the town feels more involved. I envision the regional manager having the phone numbers of some of these key players in her phone, and developing a rapport with them that would benefit all parties. It would be a win-win situation.

I thought you and Gene did a nice job of explaining the reorganization, and look forward to a new and improved process!

Sincerely,  
Joanne

Joanne K. Coppinger, P.E.

# NH Department of Environmental Services Land Resources Management *Reorganization*





# Our Mission:

To help sustain a high quality of life for all citizens by protecting and restoring the environment and public health in New Hampshire.



# Guiding Principles:

- Continuous Improvement
- Timely and consistent responses
- Cross-media effects
- Work environment

# Why reorganize?

Our world has become more  
complex



# Why reorganize?

We can become more efficient



**Efficiency**

**Straight Ahead**

# Why reorganize?

Achieve greater consistency





# Why reorganize?

We can produce better  
environmental outcomes



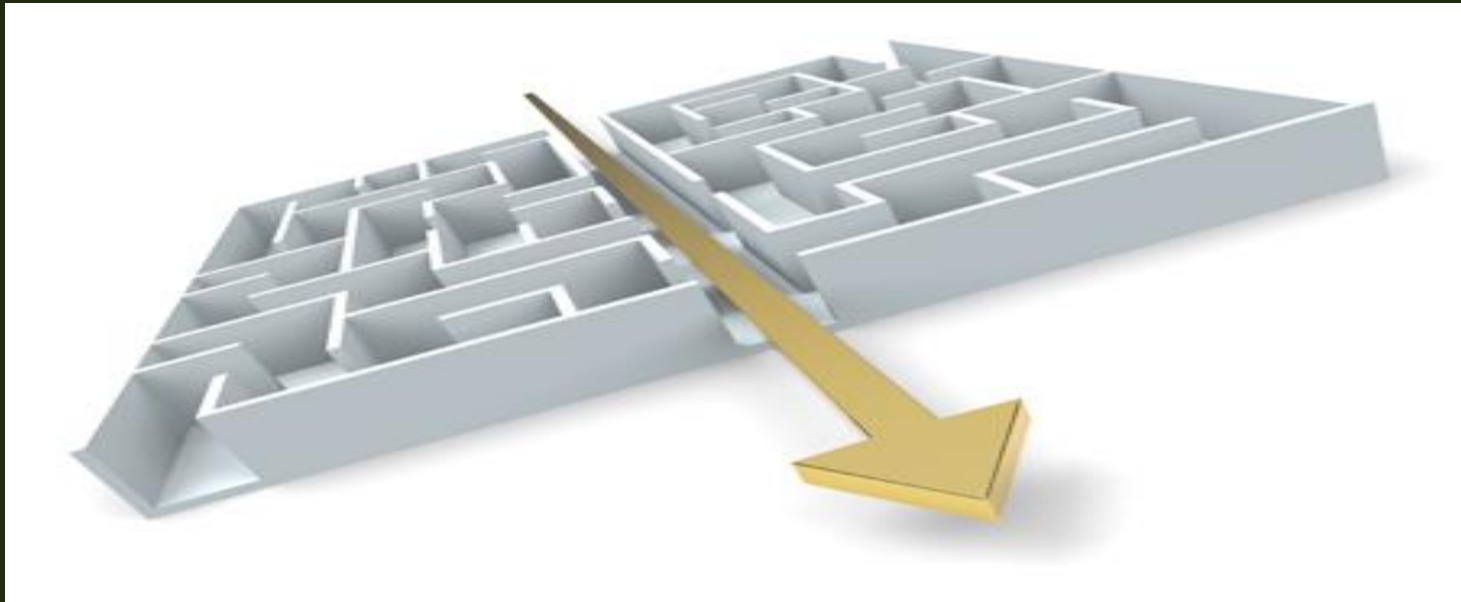
# Why reorganize?

We can attract and retain qualified people

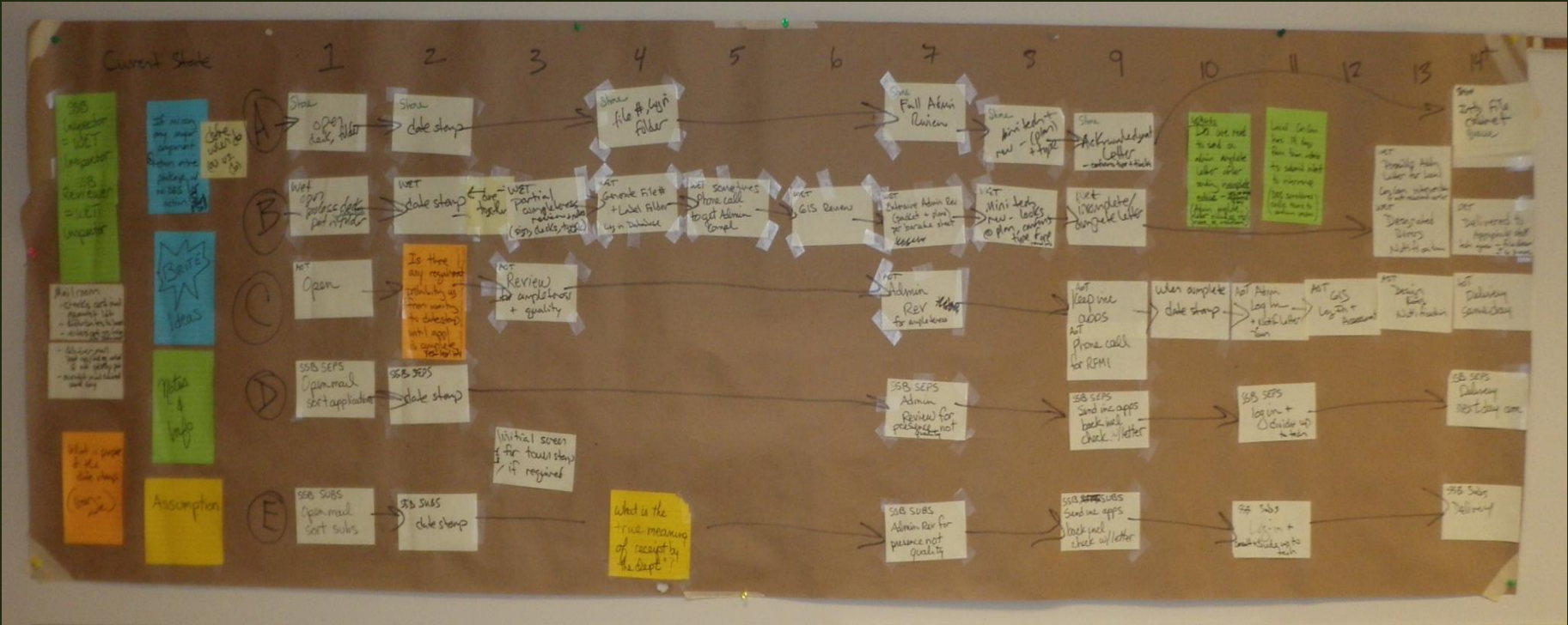


# Why reorganize?

**We can streamline existing  
permitting processes**



**We analyzed *all* LRM  
permitting processes:**



# Administrative Completeness

## Reviews took up to 14 days!

### Permit Process



### Shoreland Program

1	2	3	4	5	6	7	8	9	10	11	12	13	14+
Open folder	Date stamp		File #, log in folder			Full administrative review	Mini technical review – plan and type	Acknowledgment letter – confirms time and timeline					Into file cabinet queue; shore max technical review; permit; GIS

### Wetlands Bureau

Open, process check, put in folder	Date stamp, partial completeness review & notes		Generate file #, label folder, log in database	Sometimes phone call to request additional materials	GIS review	Extensive administrative review (packet & plans) per barcode sheet	Mini technical review – looks at plan, confirms type of application	Incomplete or complete letter				Possible additional letter for local con com hold if not received earlier; designated rivers notification	Delivered to appropriate staff tech queue – file or to Pease
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### Alteration of Terrain Bureau

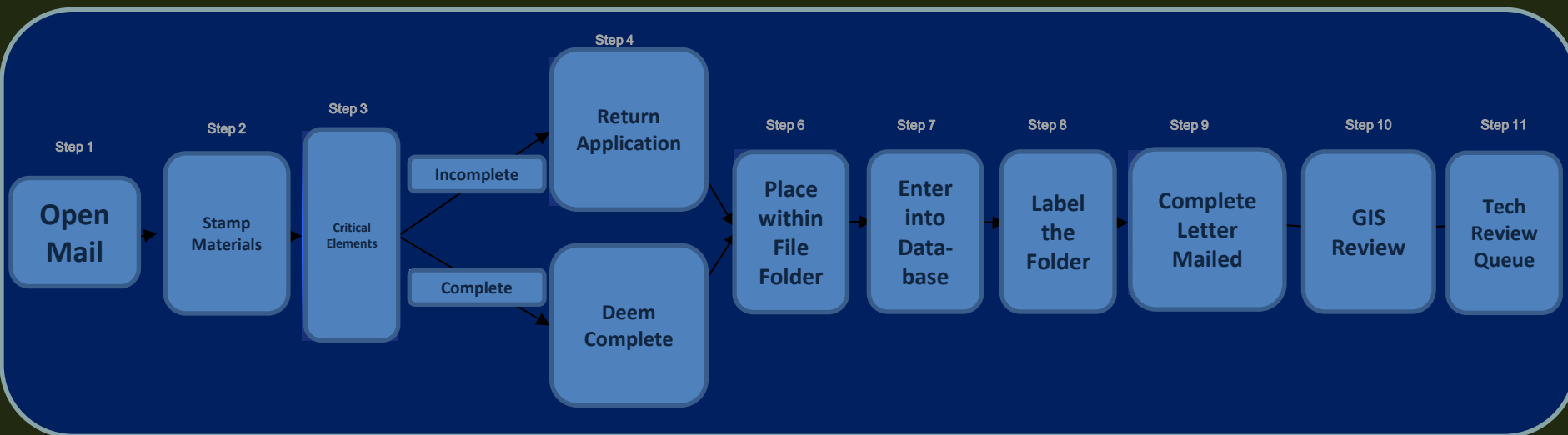
Open		Review for completeness & quality				Administrative review for completeness		Keep incomplete applications - phone call request for added information	Date stamp when complete	Log into database & send notification letter	GIS log in & assessment	Design rivers notification	Delivery same day
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### Subsurface Systems Bureau

Open mail, sort applications	Date stamp	Initial screen for town stamp if required				Administrative review for presence, not quality		Send incomplete applications back, including check, with letter		Log in & divide up to tech			Delivery, next day AM
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# 23% increase in complete, reviewable permit applications upon arrival!



# We have more work to do



# We *Can* Streamline Overlapping Permitting Processes

Impact Type:

Permit Type

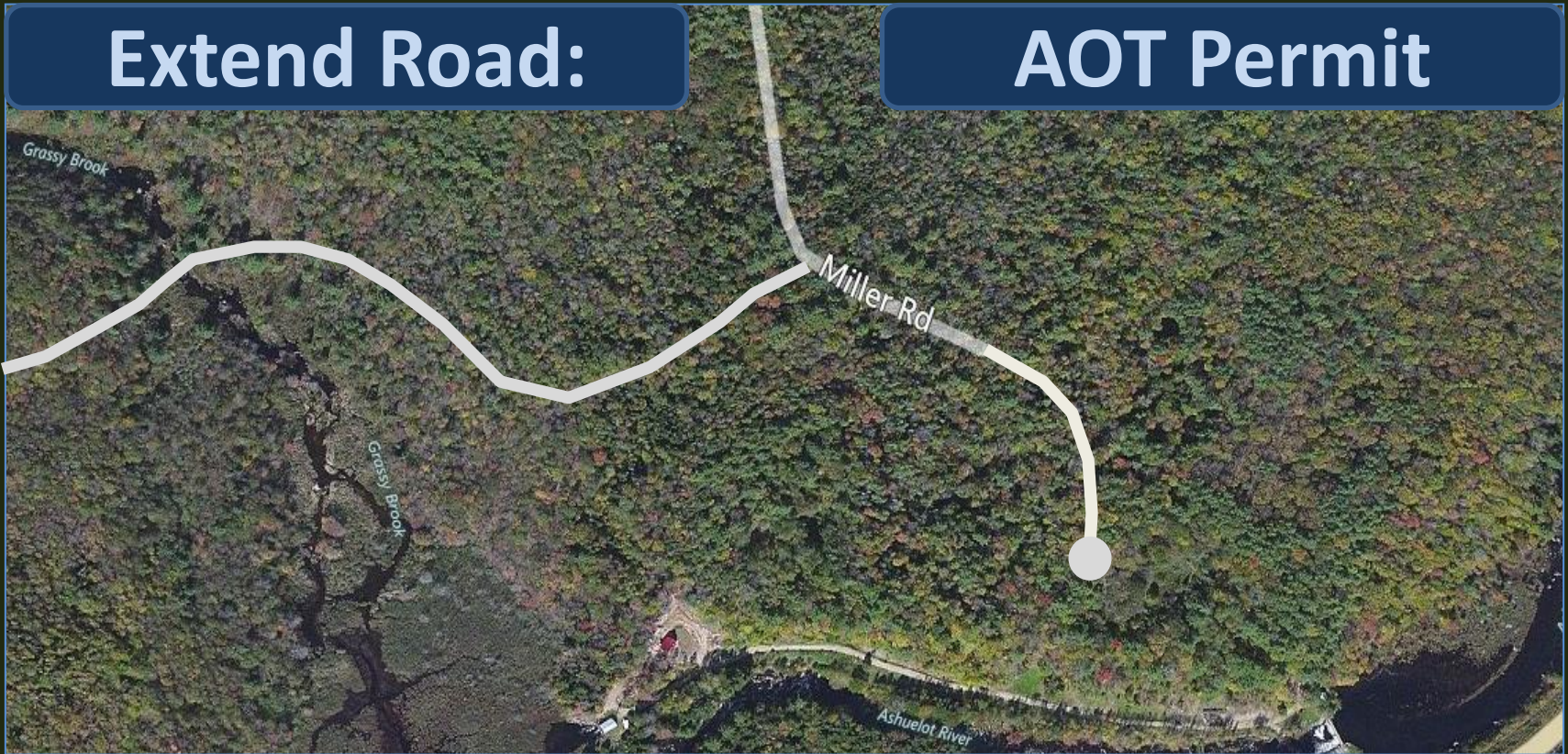




# We *Can* Streamline Overlapping Permitting Processes

Extend Road:

AOT Permit





# We *Can* Streamline Overlapping Permitting Processes

Stream Crossing:

Wetlands Permit

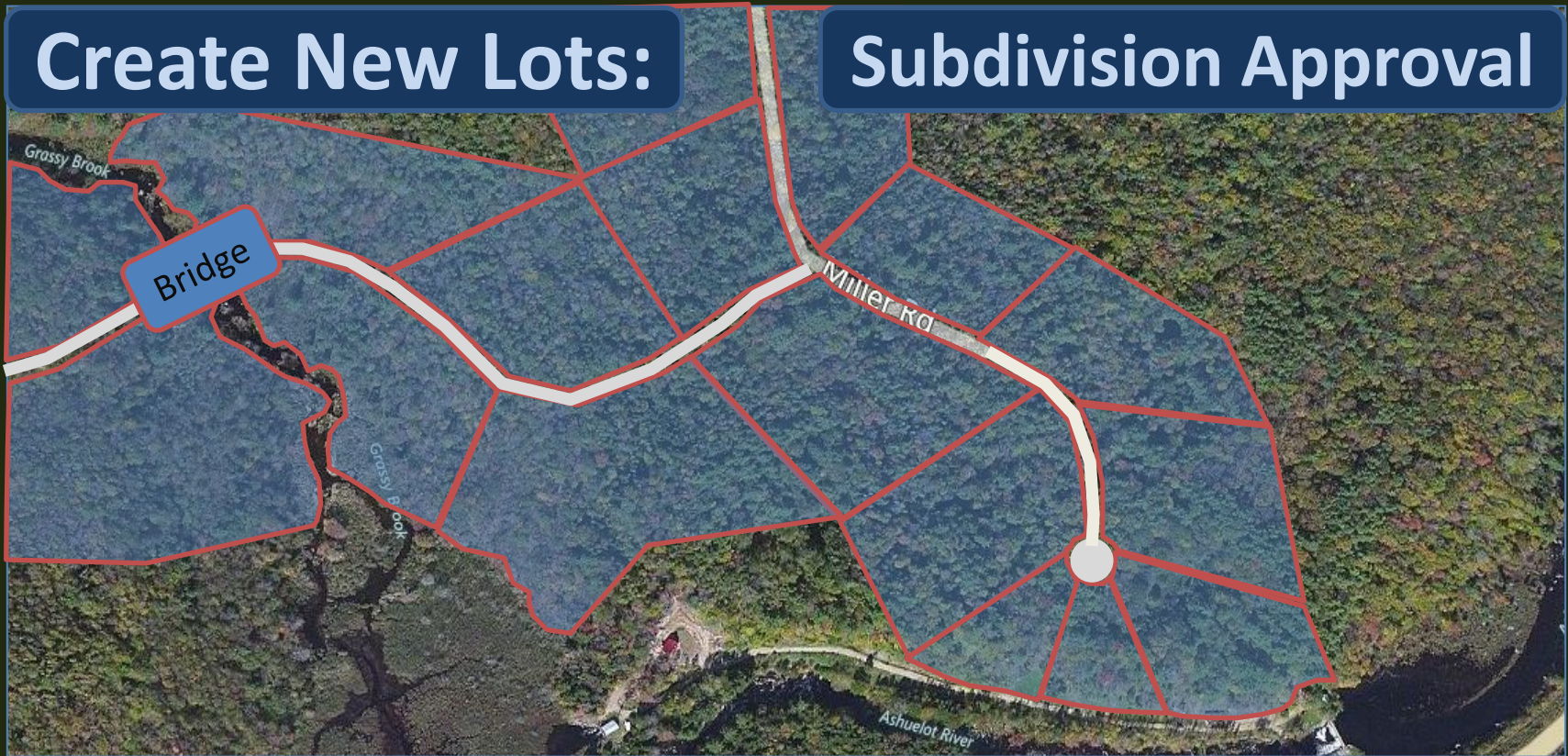




# We *Can* Streamline Overlapping Permitting Processes

Create New Lots:

Subdivision Approval

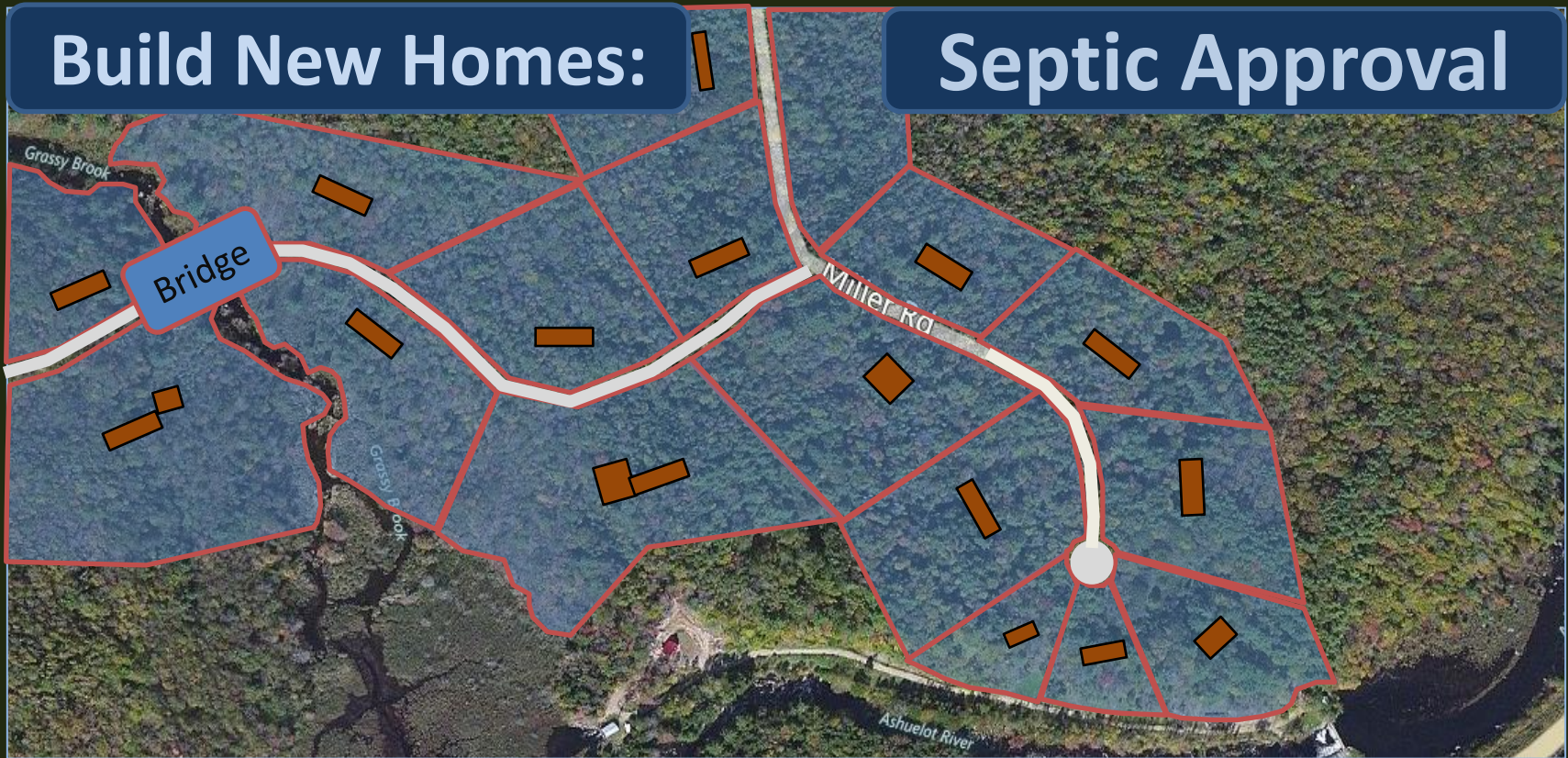




# We *Can* Streamline Overlapping Permitting Processes

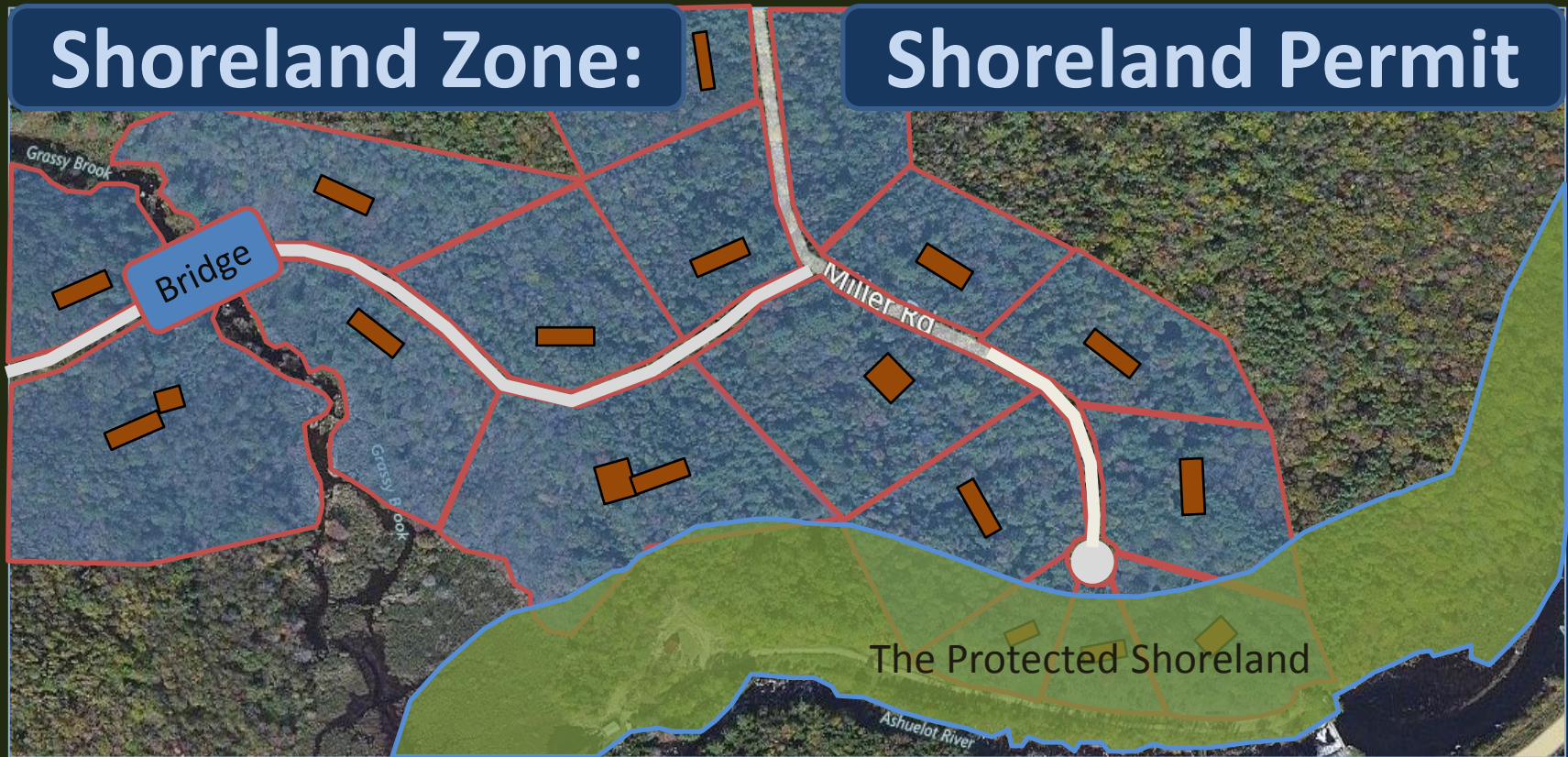
Build New Homes:

Septic Approval





# We *Can* Streamline Overlapping Permitting Processes







# Inefficient use of our resources

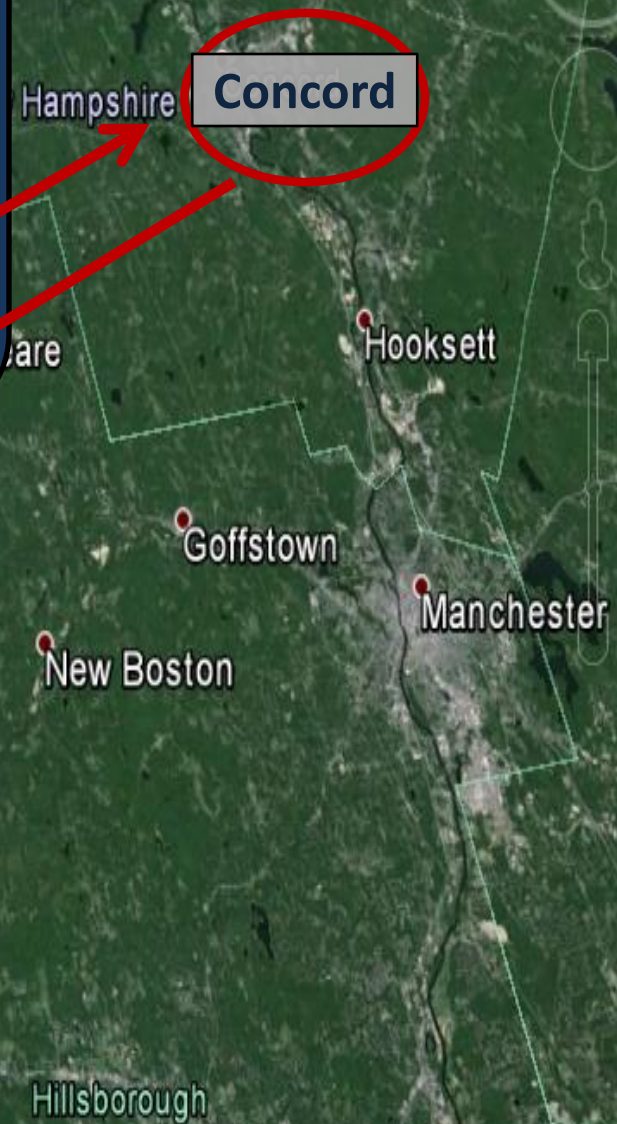


Keene

Keene

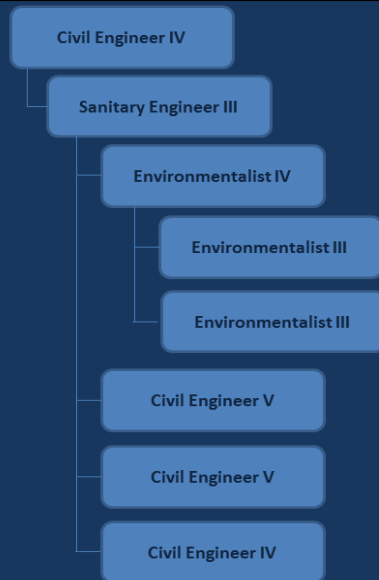


Places a burden on you,  
our customers.

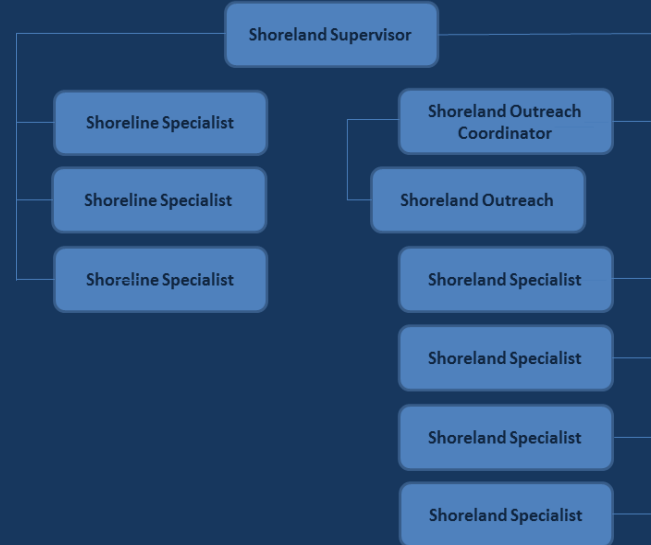




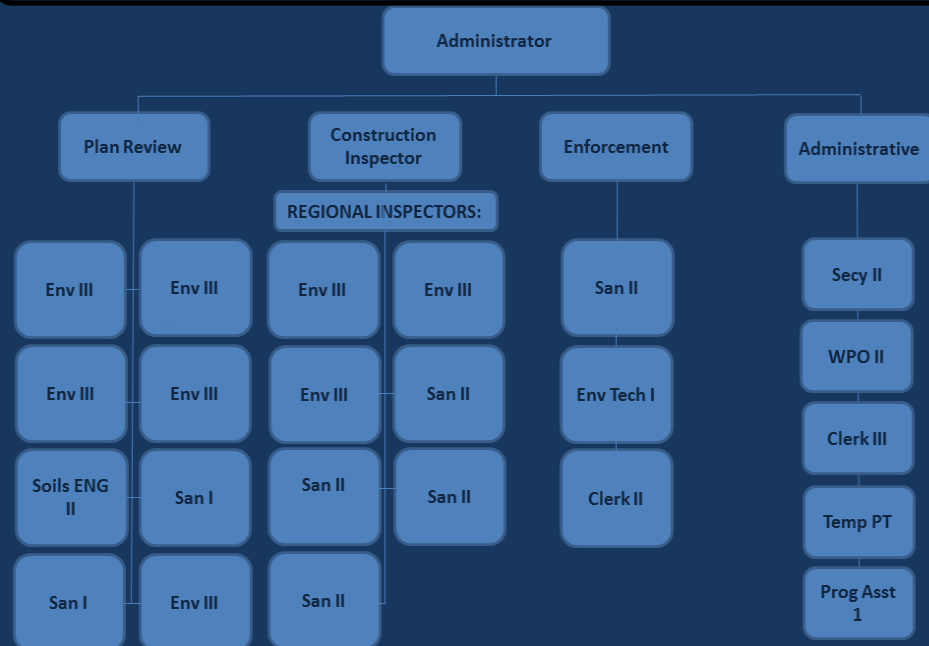
# Alteration of Terrain Bureau



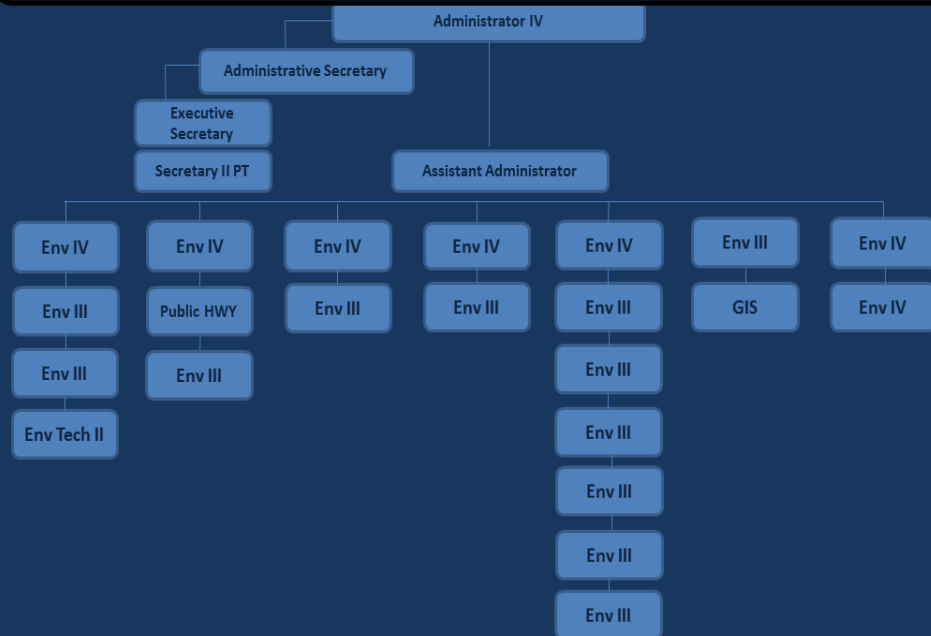
# Shoreland Program



# Subsurface Systems Bureau



# Wetlands Bureau



# NH Department of Environmental Services

**Water  
Division**

**Land Resources  
Management**

**Alteration of  
Terrain**

**Shoreland**

**Subsurface  
Systems**

**Wetlands**



# Land Resources Management

```
graph TD; LRM[Land Resources Management] --> LRM_Admin[LRM Administrator]; LRM_Admin --> RO[Regional Operations]; LRM_Admin --> ETS[Engineering and Technical Services]; LRM_Admin --> PDIDS[Program Development, Information and Data Systems];
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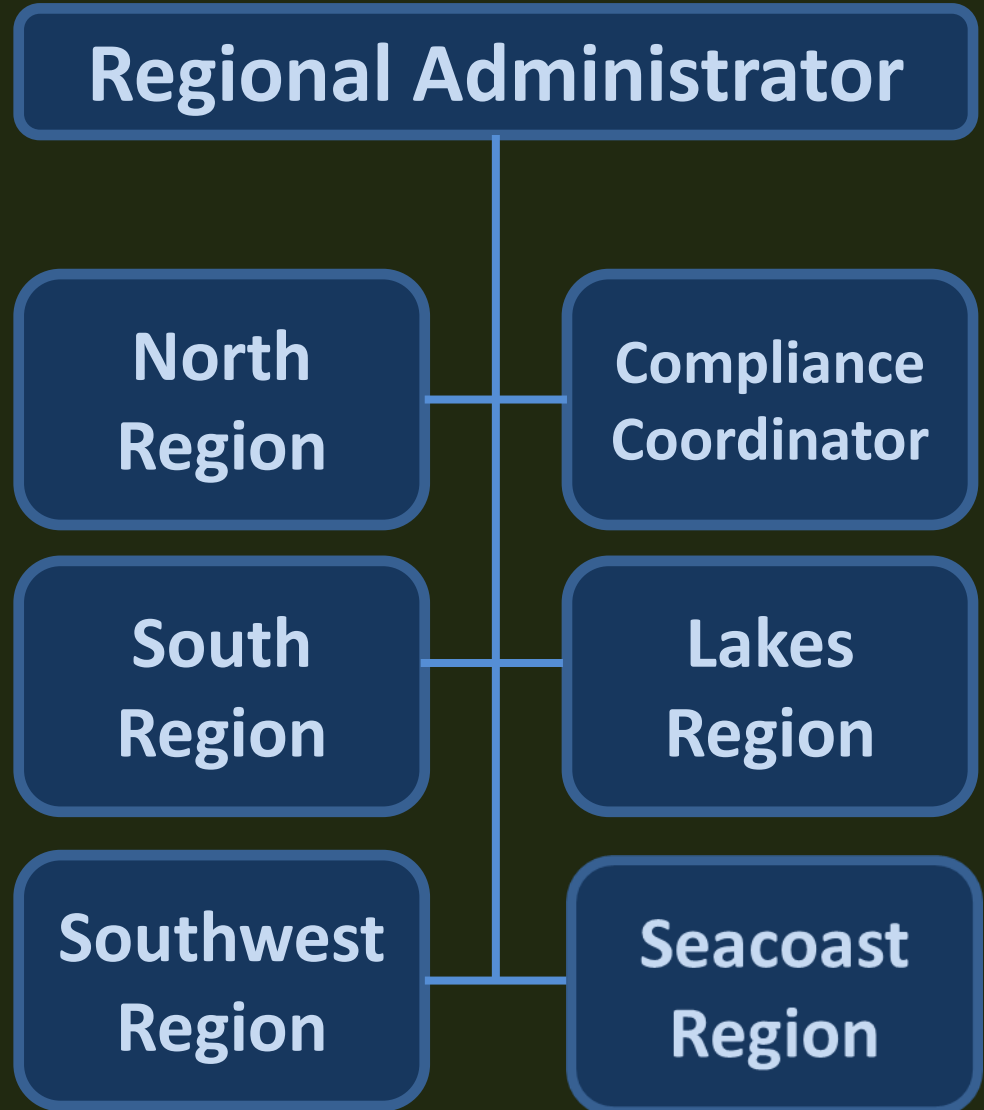
LRM Administrator

**Regional  
Operations**

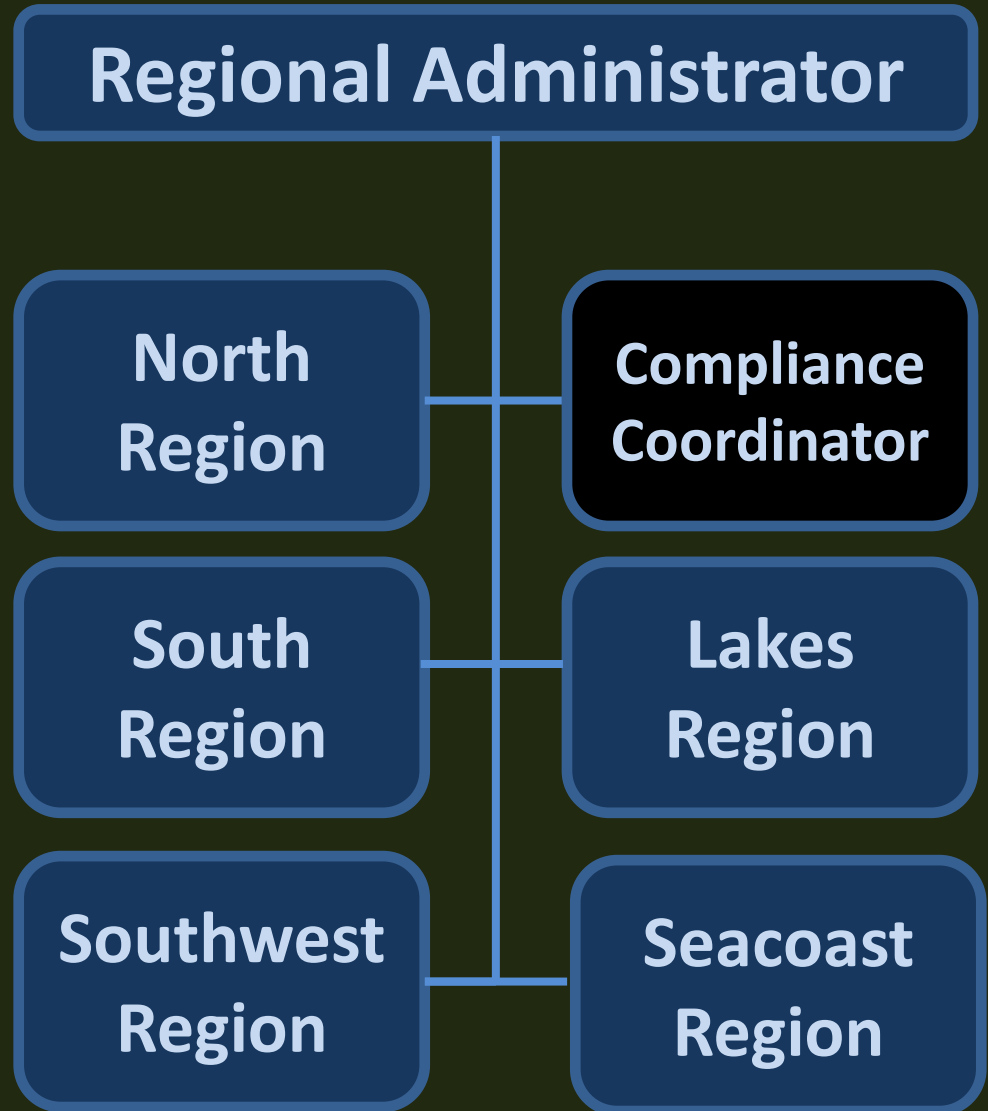
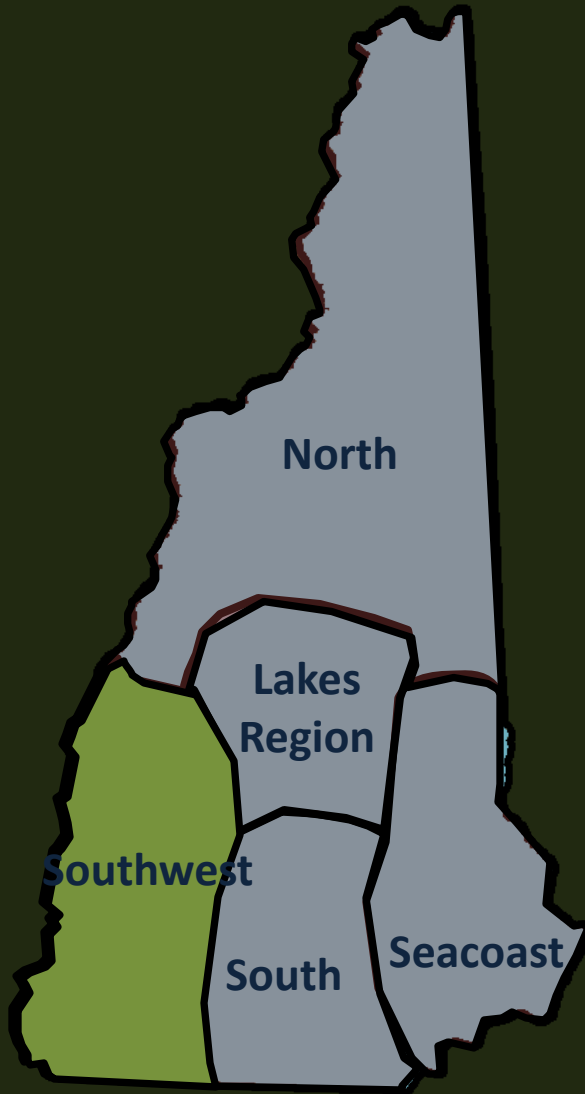
**Engineering  
and Technical  
Services**

**Program  
Development,  
Information  
and Data  
Systems**

# Benefits of a Regional Approach:



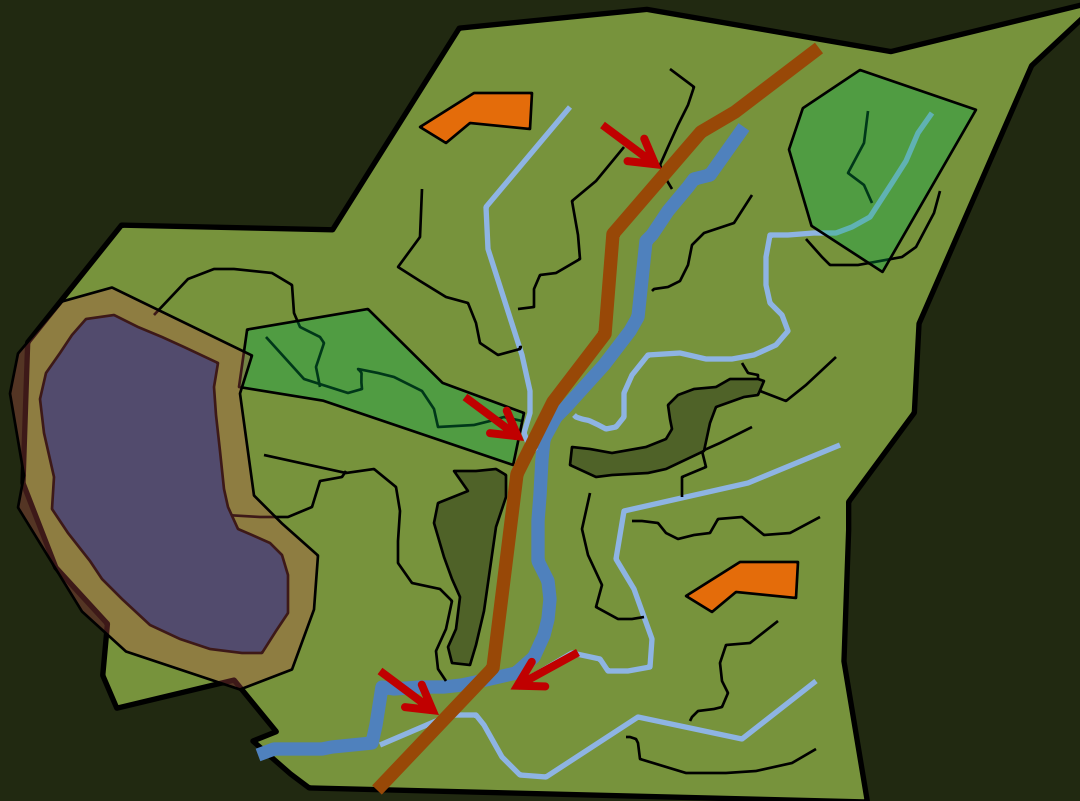
# Benefits of a Regional Approach:



Become familiar with each region's waterbodies and watersheds.



# Become familiar with each watershed's unique characteristics:



Stakeholders

Municipal Officials

Conservation Commissions

Roadways

Stream Crossings

Impaired Waters

Sensitive Wetlands

Conservation Easements

**Our Goal:** Submit *one application form*  
for 5 different impact types

1 LRM Permit  
Application



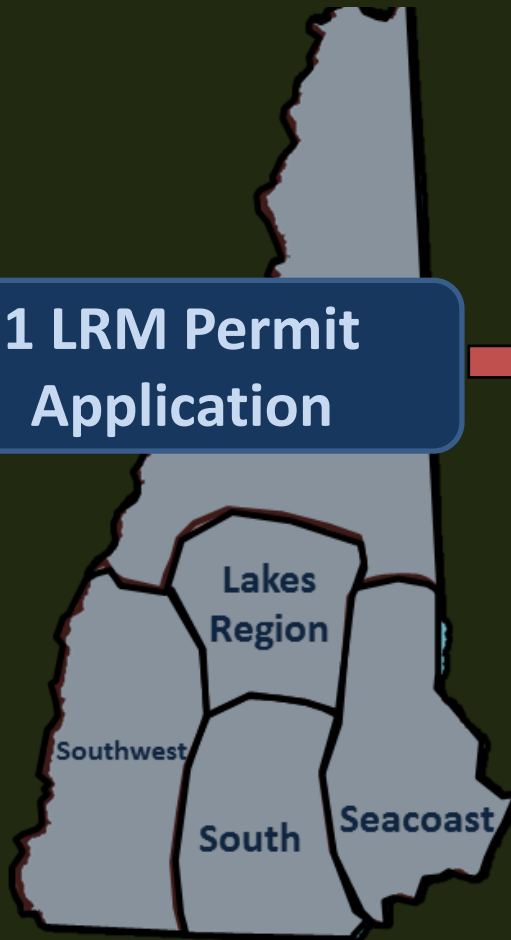
AOT Permit

Wetlands Permit

Subdivision Approval

Septic Approval

Shoreland Permit





# Land Resources Management

```
graph TD; A[Land Resources Management] --> B[LRM Administrator]; B --> C[Regional Operations]; B --> D[Engineering and Technical Services]; B --> E[Program Development, Information and Data Systems];
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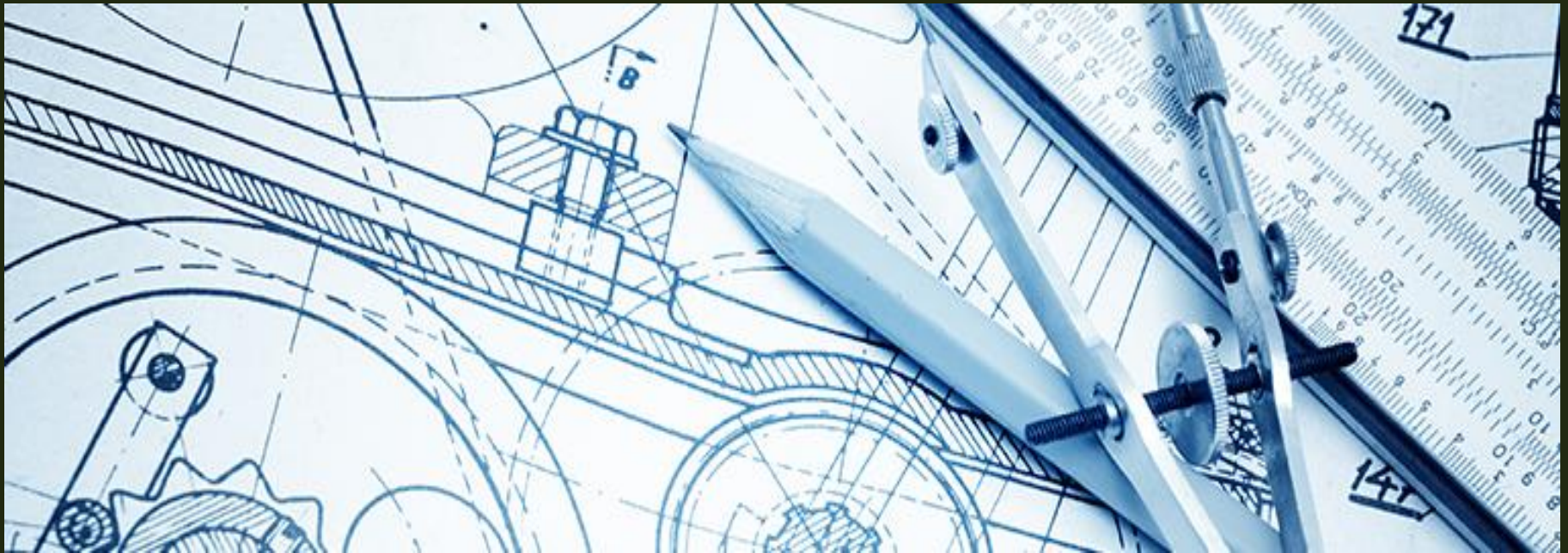
**LRM Administrator**

**Regional  
Operations**

**Engineering  
and Technical  
Services**

**Program  
Development,  
Information  
and Data  
Systems**

**Provides Engineering, Certified  
Wetlands Scientist, and Soil  
Scientist support to all of Land  
Resources Management**



# Land Resources Management

```
graph TD; A[Land Resources Management] --> B[LRM Administrator]; B --> C[Regional Operations]; B --> D[Engineering and Technical Services]; B --> E[Program Development, Information and Data Systems];
```

LRM Administrator

Regional  
Operations

Engineering  
and Technical  
Services

Program  
Development,  
Information  
and Data  
Systems

# Provides Program Support including the ARC, Data Management and Analysis, Rulemaking, Training & Outreach



# The Road Ahead:



# NHDES Commitment:



Meet & reduce permit  
turnaround times



# NHDES Commitment:



Enhance customer service  
Training and outreach  
Smooth transition

# Summary:

**Enhance Consistency and Efficiency**

**Better Environmental Outcomes**

**Streamlined Permitting Processes**

**Employee Growth & Development**



# Outreach Sessions:

Nov 2	NHDES	Concord
Nov 3	City offices	Portsmouth
Nov 5	City Council	Laconia
Nov 9	Opera House	Littleton
Nov 10	Public Library	Keene
Nov 10	Wetlands Council	
Nov 18	NHBA Environmental Law Section	
Dec 9	Water Council	

# Summary of Public Comments:

Available on the Land Resources  
Management Web Page

[www.des.nh.gov/organization/divisions/water/lrm](http://www.des.nh.gov/organization/divisions/water/lrm)

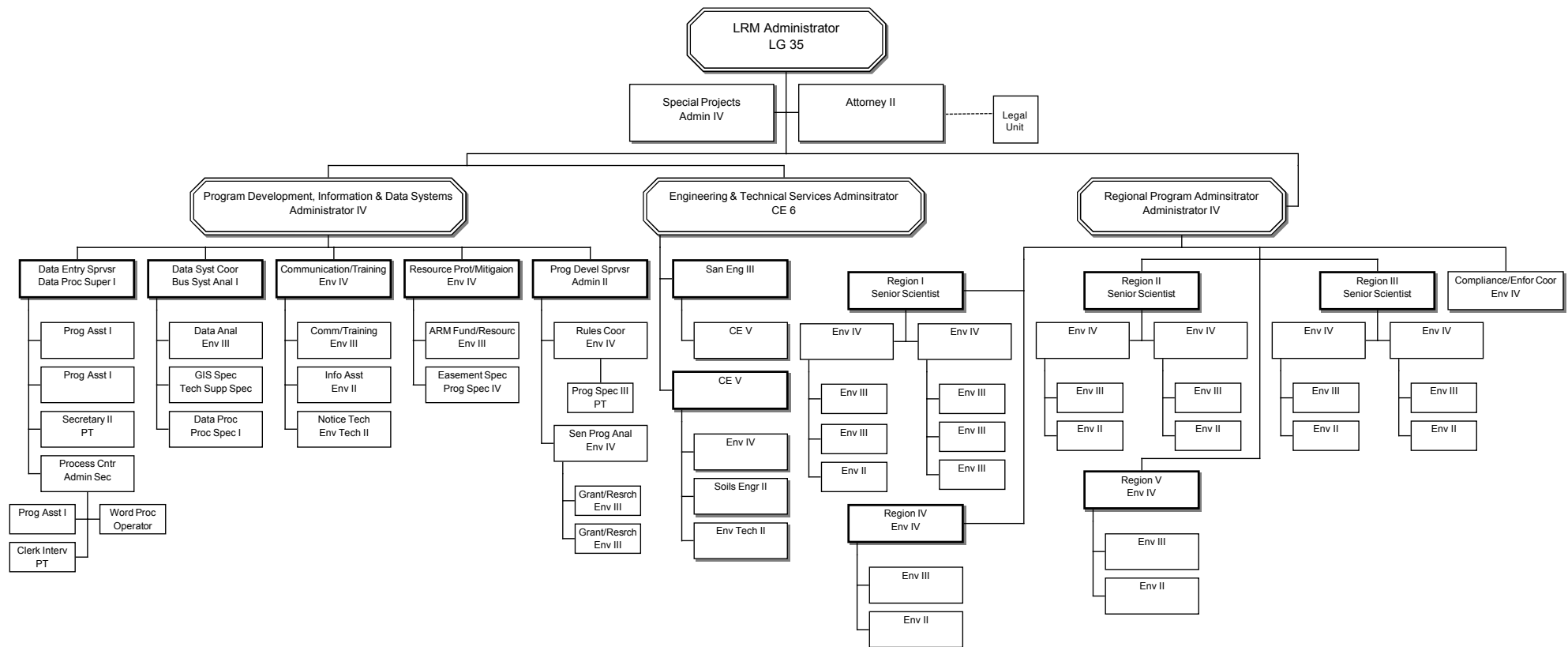
# Next Steps:

- Finalize Submission to Personnel
- Governor & Council Approval
- Implementation Discussion Sessions with Stakeholders
- Staff Training





## LRM REORGANIZATION



SHARON MONAHAN  
SITE SUCCOR DESIGN LLC  
3 CENTRAL STREET  
PETERBOROUGH, NH 03458  
www.sitesuccordesign.com  
Certified Wetland Scientist      Certified Septic Designer  
Telephone (603) 924-8774  
Email: [sharon@sharonmonahan.com](mailto:sharon@sharonmonahan.com)

October 31, 2015

NH Department of Environmental Services  
Rene Pelletier, Assistant Water Division Director  
PO Box 95  
Concord, NH 03302

RE : Land Resource Management Reorganization

I urge you NOT to merge/reorganize the three bureaus because it will impede efficiency and customer service, and alienate the general public, the permitting consultants, and most likely DES personnel within the bureaus affected.

You are dealing with three specialized bureaus with very specialized regulations that they must administer and enforce. The merging of them would be disastrous because it gives the impression that DES is a One Stop Superstore instead of a State Landuse Environmental Permitting Agency.

1. DES provides a Service not a Product.
2. The customer is the general public and the permitting consultants.
3. DES is responsible for enforcing and administering environmental regulations not selling permits.
4. There are regional environmental differences within the state as well as socio-economic differences that influence land development practices and permitting. Suffice it to say that DES has regional and economic differences in their customer base.

I am a septic designer and a wetland scientist in the south west region of the state, so I am a permitting consultant to primarily homeowners regarding septic system permits, wetland permits, and shoreland permits. (Not Alteration of Terrain). I collaborate with other independent professionals (surveyors, engineers, biologists, soil scientists, attorneys etc) as needed. Our region does not support One Stop land management consulting firms. So unless the reorganization is to create Regional DES Offices that the general public and the consultants have access to, it cannot possibly increase streamlining, efficiency, or customer satisfaction.

As a permitting consultant, I am the first "Face" the public sees to guide them through the regulatory process. The general public wants to talk to a face and not "to the Hand" which DES represents.

I already have to explain to the general public that there is a reason why they cannot walk into a Home Depot and purchase a septic system, a pond, a gravel pit, or a buildable lot. I never imagined after twenty years in this business that I would have to explain this to DES.

You have three specialized bureaus with three specialized sets of complex regulations to administer and enforce. You should look at the one bureau that generates the most customer satisfaction and compliance and ask your selves why, and then implement those factors which make that bureau successful and empower the other two bureaus with the same type of structure and personnel.

The reason why the Subsurface Bureau is successful is because they have field personnel who are inspectors who primarily deal with laypersons and homeowners. The public actually sees a face to DES and the regulations applied and everyone is made accountable from the installer to the homeowner to the designer for following state approved permitted plans. The general public, the contractor, the designer, the banks, the real estate agents, the municipalities, the legal system, etc etc. feel secure and appreciative knowing that DES has actually inspected and approved any work done. People in general will seek “approval” from DES if they know they are accountable for their actions. So what you need are more regional field inspectors for each Bureau. More foot soldiers who are your real ambassadors, not more administrators in a central office. You cannot have your subsurface field inspectors inspect anything else other than septic systems because that is not in their training or expertise. You don’t send an electrician to inspect a plumbing job. DES cannot afford to lose any more credibility or popularity with the public by being insensitive and out of touch with what’s happening on the ground. Land Development practices ( Site excavation, logging, construction, etc) is not done “electronically” and there is a very small window seasonally to perform this work. Another reason why Subsurface Bureau is successful in customer satisfaction and efficiency is that they understand site work and construction and the implications of delay.

The Wetlands Bureau has the most complex diversified set of regulations to administer and enforce and no field inspectors for compliance and accountability when the work is actually being performed. This bureau will never be efficient or effective without more regional field personnel trained in wetlands and shoreland regulations and site and construction experience. As a permitting consultant, it is my job to do a design plan that meets regulations and obtain the permit. The Wetlands Bureau is very responsive to consultants with regulatory questions. However, they are not empowered to be responsive to practice and implementation. I have no control over what the client or contractor does after the permit is received and I feel totally let down by DES when there are no field inspectors to follow up and ensure that these regulations, plans, and permits are implemented as they do in subsurface bureau.

The reason why less and less consultants are willing to do these permits is because:

1. The regulations have become so complex that we don’t even understand them.
2. We don’t make any money at it- most of the time we’re not even paid for the work that we did simply because it’s a wetland permit that no one from the state is going to inspect anyways. Our clients are laypersons without big pocketbooks.



3. DES often blames the consultant for a client or a contractor's behavior which we have no control over.

4. There is no on site accountability or Face to the Wetlands Bureau.

5. Because there are no field personnel, the Wetlands Bureau is never respected or taken seriously by the public because there is no one with the authority to enforce or apply the rules according to their site situations.

6. Local Conservation Commissions and Code Enforcement Officers do not understand the complex wetland regulations either nor do they think it is their job to enforce.

7. People are People, and they will continue to go for the least expensive and expeditious wetlands permit just to say they have a permit and turn around and do something else, or they will just not bother to go for a permit at all because of the bureau's reputation for unnecessary delay. There is simply no benefit or accountability to obtain a permit, or follow instructions, permit conditions, and approved design plans.

Please hire more regional field personnel not more Talk to the Hand people in an office.

If DES needs a special integrated team for the Walmarts and Home Depots then by all means form that team. But, please recognize that most of the permitting applicants are laypersons not developers, and merging three specialized bureaus will not improve customer service or efficiency for them. It will just aggravate and perpetuate a bureaucratic gap between DES, the public, and the consultants. Even the CEO of a company has a home somewhere and good relations begin in the home. You are not selling permits you are selling a service that protects water quality which indirectly protects people's health and personal property. Onsite inspections are badly needed and customer relations will improve when DES shows them a Face on site.

Sincerely,

Sharon Monahan, CWS, SSD

P.S. The Southwest Region of the State is really counting on DES to make it as miserable as possible to put in the Proposed NED gas pipeline as you do for a homeowner putting in a culvert.

cc. Rob Tardiff, Subsurface Systems Bureau

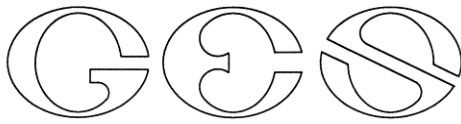
Collis Adams, Wetlands Bureau

Darlene Forst, Shoreland Program

Ridge Mauck, Alteration of Terrain Bureau

Executive Councilor Colin Van Ostern

Executive Councilor David Wheeler



## **In My View**

November 2015

### **SO WHAT TO THINK ABOUT THE DES LAND RESOURCES REORGANIZATION?**

Earlier this month I went to a “listening session” at Portsmouth City Hall. The Department of Environmental Services presented a slide show and took comments about a proposed reorganization of Land Resources that includes Shorelands, Alteration of Terrain, Wetlands and Subsurface. The presenters at this session were Gene Forbes and Rene Pelletier. The concept is a pretty simple one: cross-train folks and if someone is not busy, have them pick up the slack in one of the groups that are buried with applications and not getting the permits out. With 10,000 applications for some type of land resources permitting, it is not surprising that you might want to have the folks that are not busy able to give a hand to the folks that are up to their necks in paperwork.

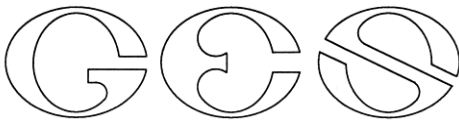
It was interesting the response of the crowd. Some were vehemently opposed to it. It appeared that many of these folks were septic designers and they were concerned they would lose their one day turnaround for septic approvals. One day! Holy smokes, if we had one day turnaround in wetland applications, I and my clients would be happy campers!

Despite the statements from Rene and Gene that the one day turnarounds for septic applications would remain, the opposing folks just did not believe the reorganization would work. Many thought that new, less experienced staff touching the applications would lead to more delays and more “requests for information” letters being sent out. Rene and Gene assured that this would not happen overnight and the staff was already undergoing multidisciplinary training. The bottom line is that DES has to do more with less, and this reorganization may be the only way the Department can handle the workload.

So, what to think of this?

I have a small company. We do lots of things: wetland delineation, wetland mitigation, wetland application preparation, wetland restoration, endangered species studies, vernal pool studies, soil mapping, test pits, project impact analysis, avoidance and minimization reports, functional assessments, etc. We cross-train all the time. If our folks are not able to do a number of things, then they don’t stay long with my company. I can’t have one person buried in work and another person waiting for the phone to ring. A business can’t operate that way! Are some folks better at one thing than another? Of course! People are not all the same, but that doesn’t mean they can’t do multiple things, and do them well.

A few years ago, in Tom Burack’s first term as Commissioner of DES, I had a meeting with him to suggest that staff could be better utilized by cross-training, putting them all into one group and I called it the Land Use Management Program. Tom gleefully pointed out to me that the anachronism was LUMP. Let’s lump all these folks together! At the time, I was pushing to have



more folks from the other bureaus helping out the wetlands staff to reduce the turnaround time for wetland applications. I guess I was just too early. I had to wait to Tom's second term to see this cross-training and combining. And you know what, I still think it is a good idea!

We are looking at 75 days or more turnaround on wetland applications. You submit a relatively simple, straight-forward application and then call the staff who has been assigned. And then you are told that "yes, it seems like we can permit this wetland impact, but there are 16 applications in front of yours". Dang!

I still can't believe the septic designers get a one day turnaround for their septic applications.

So, I support this reorganization. I believe in using your staff wisely and putting more staff resources into a program that is bogging down due to numerous applications. Once the backlog is caught up, those staff resources can be moved to another program. These days, if you are not cross-trained, you may just be out.

Honestly, in my company, it's a no-brainer. You need help, someone comes over and helps. That is the way to maintain productivity and client satisfaction.

The deadline for comments to the DES about the reorganization is November 27<sup>th</sup>. Please let them know what you think.

You already know what I think!

*"In My View" is an opinion article that will be emailed to you once a month. It is my view of wetland and other environmental issues that will or may affect your business or organization. It will sometimes give you updates on new rules or legislation that has recently passed. In other cases, I will discuss legislation that is "in the works" at our state capital. As the name would imply, it is my view of what this rule, legislation or change means to you. I am constantly meeting with clients, friends and local regulatory officials who are asking me what this rule means or what that piece of legislation does. For that reason, I am sending this out to associates of GES who might care to have this information. I will not be political, but I do reserve the right to be opinionated. If you do not wish to receive further articles, let us know by a "reply to", and we will delete your name. If you know of someone who might want to receive future articles, just send this on to them and copy us. We will add them to the distribution list. If in the coming months there is a topic, law, rule or regulation that you would like me to discuss, let us know. If I feel that I am competent to say something about it, I will discuss it in the future.*

*That concludes this Months article. Each past article will be stored on our website at [www.gesinc.biz](http://www.gesinc.biz) or Google: Gove Environmental Services, Inc. I hope this will be of value to you.*

Jim Gove  
[jgove@gesinc.biz](mailto:jgove@gesinc.biz)  
603-778-0644 ext. 15  
603-493-0014



# Presby Environmental, Inc.

*The Next Generation of Wastewater Treatment Technology*

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Tel: 800-473-5298 Fax: (603) 837-9864  
info@presbyeco.com  
[www.PresbyEnvironmental.com](http://www.PresbyEnvironmental.com)

November 25, 2015

New Hampshire Executive Council  
107 North Main Street  
State House, Room 207  
Concord, NH 03301  
[gcweb@nh.gov](mailto:gcweb@nh.gov)

RE: Proposed DES Water Division Land Management Programs Reorganization

Dear Councilors:

I recently attended the informational presentation in Littleton, NH regarding the DES's plan to implement a major reorganization of the Alteration of Terrain, Subsurface Systems and Wetland Bureau, including the Shoreland and Shoreline Programs, and am compelled to express my great concerns about the direction the agency is taking.

I have been interacting with the DES and its predecessor agency, the Water Supply and Pollution Control Commission, for more than 40 years. During that time I have had the opportunity to observe the development and implementation of many of the permitting processes put into place by legislation and administered by these agencies.

It remains unclear to me what the driving motivation is behind this reorganization proposal. My opinion, based on my many years working with the Water Division's land-related permitting programs, is that the only reason for such an action could be to rectify the one program that is still causing problems with the regulated community – the wetlands program. Not only is this readily apparent to me, but wherever I go throughout this state, these same observations have been conveyed to me by a great number of land management consultants and organizations. These are the same issues that were being discussed during the beginning of the Merrill administration. The Governor directed then-Commissioner Varney to reorganize the top management of the Wetlands Bureau in order to straighten out the problems with the Water Division's Wetlands Bureau's permitting programs. This resulted in a similar reorganization of the Water Division's land management programs by forming the Land Resource Management Program (LRMP). This new program included grouping the same, above mentioned Water Division programs under one umbrella and placing a new highly paid administrator at the top whose primary responsibility was to coordinate and work out the existing permitting problems.

Prior to embarking on such a significant endeavor once more, I believe it would be prudent to insist that the agency administration report on the successes and failures of this prior initiative. DES senior leadership seem to never directly identify the problems nor look for solutions to those problems. My understanding is that as of right now, two of the three programs currently function well, and still the Wetlands Bureau permitting programs continue to be the problem. It appears to me that setting up this program (LRMP) with this highly paid administrator did little or nothing to address the previous problems with the Wetlands Bureau permitting functionality.

While the majority of people I speak to and work with agree that the problem is poor management of the Wetlands Bureau's permitting program, those regulated by DES staff are very concerned about expressing their opposition directly to agency officials due to fear of retaliation with future permit applications. I'm at a point in my life and business career where I will not be intimidated, and it is time that this problem is made known to our governing officials. The regulated community has heard a lot of promises about how things are going to be better with this reorganization, when in fact similar initiatives that have already been implemented have not been fully evaluated to determine why things have not improved. Instead, what I hear is that this new reorganization proposal includes taking staff and resources from existing well-managed programs and homogenizing their staff and resources into a larger organizational structure.

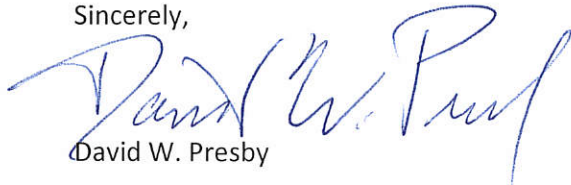
I would like to know why the DES is trying to fix something that is not broken, instead of addressing the specific problem at hand, i.e. the Wetlands Bureau's permitting programs. The Department should address these issues first and make sure that experienced individuals are put in leadership roles to rebuild an accountable organization. I see nothing in this reorganization proposal that will do this. No one is talking about the elephant in the room and about the real issues and solutions. I can tell you from my own experience as the owner of many businesses, it all stops and starts with the individual who is directly responsible and accountable for day-to-day operations.

In summary, from what I am hearing throughout the state, it is my strong opinion that this proposed reorganization will be demoralizing to existing program staff and management and will further fragment the resources and management of the programs that are currently working efficiently and effectively with the regulated public. Let's stop trying to camouflage the problems and start dealing directly with the specific problems at hand.

When I first started working with the Subsurface Systems Bureau, it would sometimes take over 30 business days to approve a plan; now it only takes two to three days. This is the result of a successful reorganization that took the existing process of a 15 business day review deadline that could be extended indefinitely as long as a minor change was required. Changes were made so that the reviewers, designers and installers were educated about the rules, told exactly what was needed and given easy-to-follow information. This change resulted in a process that made the Subsurface System Bureau's employees' jobs easier, required less employees, and made the process less complicated. If this is done with the Wetlands Bureau, the same results should be expected.

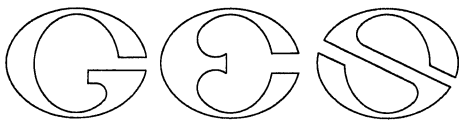
It has been said that doing the same thing over and over and expecting different results is the definition of insanity. Having already reorganized NH DES once before unsuccessfully, I strongly caution against doing it once more and dividing the state of New Hampshire into five separate regions. The only result will be five separate problems in five regions of New Hampshire. The most prudent course is to fix the management of the existing problematic division; it worked with the Subsurface Bureau and it should work again. Thank you for your attention to the very important issue; if you would like to discuss this with me, I would be more than happy to speak to you.

Sincerely,



David W. Presby

cc: Commissioner Burack  
Eugene J. Forbes, P.E. Director NH DES Water Division  
Governor Hassan



December 8, 2015

New Hampshire Executive Council  
107 North Main Street  
State House, Room 207  
Concord, NH 03301  
[gcweb@nh.gov](mailto:gcweb@nh.gov)

RE: Proposed DES Water Division Land Management Programs Reorganization

Dear Councilors:

I am a wetland consultant located in the Seacoast area of the State, though my company travels all over the State and into Maine and Massachusetts. My clients are some of the largest and most active developers in Southern New Hampshire. We do wetland delineation and wetland permitting. With over 200 projects a year, we commonly prepare 25 or more minor and major wetland impact projects on a yearly basis. We have been in business since 1989, and have had the opportunity to witness many changes at the Department of Environmental Services.

I listened to a presentation at the informational session in Portsmouth, NH. After that session, I wrote a piece for my on line article "In My View" that I provide to my clients and associates. I have attached the article to this letter.

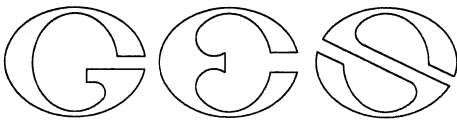
The responses I have received amazed me. I had numerous people call and email me. I lost track after 47. They all support the reorganization. They had the same attitude as I did: It is a no brainer and a better use of staff time. Anything to reduce the length of permitting time, whether at Shoreland, AoT or Wetlands, would help the economy.

I understand you have heard from Designers and Installers opposing the reorganization. Be aware that septic designs do not drive the economy. It is the development community that drives the economy, and anything to help the development community in land use permitting will be reflected in more jobs, more new homes and more new industrial and commercial development.

I understand that you have been told that the only problem at the Department is the Wetlands Bureau. Given the length of time I have been as a consultant, I have seen the trend at the Department. How quickly people forget! There has been a vast improvement at the Wetlands Bureau over the past 25 years.

Is it perfect? No. Does the permitting currently take longer than we would hope or expect? Of course. But you don't fix something by either unproductive bashing or withholding staff assistance.





GOVE ENVIRONMENTAL SERVICES, INC.

Coincidentally, I am also involved as a public participant with the new rule making effort at the Wetlands Bureau. There is no question in my mind that some of the changes will reduce permitting time and provide more consistency in review.

I will end this by saying that my clients and I are fully in support of the reorganization at the Department. If you would like me to speak in person with you at a council meeting, I would be glad to. I am sure I would be supported by my client base.

Thank you.

Sincerely,

James P. Gove  
President, Gove Environmental Services

CC:           Commissioner Burack  
              Eugene J. Forbes  
              Governor Hassan



December 16, 2015

Mr. Rene Pelletier  
Assistant Director, Water Division  
Department of Environmental Services  
PO Box 95  
Concord, NH 03302-0095

Dear Mr. Pelletier:

I am writing on behalf of the New Hampshire Lakes Association (NH LAKES) in regard to your department's proposal to merge your land resources management programs and bureaus. NH LAKES has direct knowledge and experience with each of these programs/bureaus and our members have provided us with feedback on their experience in these areas as well.

There are at least a few things that the proposed reorganization addresses which we strongly support:

- **The prospect of improving and ensuring environmental outcomes.** If the department is able to realize the efficiencies that are envisioned in the deployment and utilization of its personnel, we would expect that more focus can be applied to ensuring that projects are achieving the intended environmental outcomes. We know that this is largely dependent on the department's ability to follow up on projects once they are finished so we applaud the agency's vision in this regard.
- **The potential for integrated permitting and project oversight.** From an applicant's standpoint, the integration and streamlining of processes, without losing rigorous environmental oversight, will itself improve environmental outcomes. We believe that the clarity, understandability, and logic of the application process corresponds positively to the number of people willing to engage in the process. In short, the more straightforward the application, review and oversight process, the more willing people are to go through the permitting process.
- **The cross training of departmental personnel** to achieve, among other things, more holistic, comprehensive and effective project oversight, inspections and enforcement. A frequent comment that we hear is that people living close to the water appear to be doing work that isn't permitted, doesn't comport with lot limitations, is not protective enough of the shoreland area, etc. If NH DES personnel were more available to check pre-existing conditions, spot check permitted work and, as was earlier mentioned, follow up on completed projects, then the environment will be better protected and the public interest better served.

In summary, we believe that the integration of project reviews, permitting, oversight, monitoring, and enforcement is in the best interests of the public and the environment and we support the stated goals and potential outcomes of the proposed land resources management programs and bureaus reorganization.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom O'Brien".

Tom O'Brien, President



**LOBDELL ASSOCIATES, INC.**  
*Environmental & Community Planning*

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December 21, 2015

Tom Burack, Commissioner  
NHDES  
PO Box 95; 29 Hazen Drive  
Concord, NH 03302

**EMAIL**

**Re: Proposed Land Resources Management Program Reorganization**

Dear Commissioner Burack,

I recently attended an informational meeting in Littleton in November concerning the proposed reorganization of the Land Resources Management Program. I am sending a brief letter of support.

As a certified wetland and soil scientist who has been involved with the DES Water Division regulatory process for over 30 years, I find the proposed reorganization a needed improvement in order to streamline the permit process for DES, applicant, and consultant. The more continuity between the various permit application processes (wetlands, shoreland, AoT, and subsurface), the greater the efficiency. Being able to have a common application as well as pre-application meetings and site visits that deal with all potential water related permits will not only speed up the process but help reduce duplication and decrease the time it takes for review and approval.

I particularly like the idea of regionalizing with cross-trained staff who will be assigned specific areas of the state. These staff people will need substantial training to deal with all four major permitting areas. They will also have to be competitively paid to retain them long enough to become familiar with the regions. Maintaining long-term staff will be key to the success of this effort.

The only additional comment I would make relates to having the regional operations staff all located in Concord. If staff are to become familiar with the regions they serve, they must be located within those regions. Being able to visit proposed development sites regularly will help resolve many issues that are difficult to address and understand based on just looking at plans and photos in Concord. If you want to improve efficiency, this would also cut travel times and enhance enforcement, particularly for those projects in here in the North Country.

I hope my comments are not too late to be considered. Thank you for reaching out for input and I look forward to the implementation of the proposed changes.

Sincerely,

Raymond Lobdell, CWS, CSS, CPESC  
Wetland/Soil Scientist

cc: Governor & Council  
Rene Pelletier, NHDES

*New Hampshire Association of Natural Resource Scientists*  
*Post Office Box 110 \* Concord, NH 03302-0110*



December 23, 2015

Mr. Tom Burack  
NHDES Commissioner  
29 Hazen Drive, PO Box 95  
Concord, NH 03302-0095

**Re: Proposed DES Water Division Land Management Programs Reorganization**

Dear Mr. Burack:

Members of the New Hampshire Association of Natural Resource Scientists (NHANRS) have attended the DES's recent informational sessions regarding the implementation of the planned major reorganization of the Alteration of Terrain, Subsurface Systems and the Wetlands Bureau including the Shoreland and Shoreline Programs. Although our members appreciate the undertaking and concur with the ultimate goals, we have concerns and questions regarding the direction that the agency is taking.

Members of our association work directly with all of these DES programs. On a daily basis we interact with both staff members and supervision during the process of submitting and processing permit applications. Further, many of our members work closely with program staff developing educational programs, providing training and participating in rule updates and procedures. Our members provide over 25 years of experience in the DES permitting process and we bridge the process between your staff and our clients, the general public. The importance of our input and interaction with the DES is highlighted in the continuation of our long term partnership agreement.

Naturally, because of the amount of work and interaction that we do have with DES programs, we heard much about the proposed reorganization from miscellaneous staff over a year ago. Members of our organization first became aware of these reorganization plans at the same time that we began to hear about the huge undertaking of re-writing the wetland rules. Shortly after, the DES embarked in a series of state-wide informational meetings regarding the rule re-write and a mention of the possible reorganization. The NHANRS informational meeting resulted in much interaction and ideas that were shared with the then DES Assistant Commissioner Vicki Quarem. These sessions were then followed up with various DES rules committees where NHANRS and other various entities have participated in or are still participating in. NHANRS has contributed much input, time and expertise to the many committees and ultimately feel that this type of participation results in a much more viable product that can more realistically be implemented. It is in this spirit that we offer the following constructive criticism of the proposed reorganization as presented in the informational meetings.

- 1 Our members have found that the Alteration of Terrain Program, Subsurface Program and the Shoreland Program run very efficiently, resulting in a clear permitting process, knowledgeable and courteous staff and timely permits. This results in a winning situation for everyone involved and the environment. We find that the general public is more inclined to submit permit applications if the process and results are clear and timely. Why fix something that is not broke.
- 2 The wetlands and shoreline programs are the two programs that have the most issues, constantly changing internal policy that perhaps should be in the rules, inconsistencies and a lack of consistent management and a clear chain of command for when there are issues. Our members, because of their

day to day interactions with staff, are reluctant to be more specific, but the complaints seem to continuously revolve around a few specific staff members. These same complaints are passed on to us from our clients. NHANRS is very worried that these unaddressed staff issues will continue with the reorganization and that some of these staff members will end up in key supervisory roles by region thereby not only continuing the confusion but spreading the confusion. The reorganization will merely shuffle these staff problems and based on the proposed reorganization, applicants may find even less recourse when issues arise.

- 3 Currently, the Wetlands Bureau does operate in a regional manner with wetland inspectors and compliance inspectors operating in specific regions. Based on the DES decision to reorganize and the current level of complaints, this method has not worked. How will the same reorganization with all the other Land Resource Departments result in a better, faster process?
- 4 NHANRS welcomes the idea of streamlining permitting programs and suggests that combining the shoreline and shoreland permitting maybe a good place to start. Our only inhibition is that the current shoreland permitting process is clear, fast and the staff is courteous and helpful while the shoreline process is long, tedious, inconsistent and many of our clients relate that there is no facilitation by staff but a more like a genuine effort to send out an RFMI. Clearer regulations may help but reshuffling and cross training the same methods with the same staff will result in further issues not streamlining.
- 5 The DES Wetland Bureau is in the middle of a huge undertaking to re-write and reorganize the existing wetland rules. This process should not be underestimated. The Bureau has dedicated countless hours to this process while reviewing and maintaining daily operations and keeping within statutory time frames for application review. Why would the DES want to also implement another huge undertaking at the same time? How much staff time has been dedicated to the reorganization? How much staff time is actually being used for permit application review with these two huge projects on-going? The new rules and the proposals for more notifications should result in a more clear and concise process with more time to review larger projects. The DES should let this first large undertaking unfold before it adds another new large undertaking.
- 6 Based on the early December 2015 Permit Application Decision Report, the number of actual filed wetland and shoreland applications seems to be in the 3,500 region. It is very important to note that this seemingly large number includes forestry notifications, dock notifications, utility notifications, trail notifications, permit by notifications and shoreland permit by notifications and shoreland applications. A very conservative guess of actual wetland applications for review that are not quick notifications may be 1,000 a year, of these only a small fraction would be considered major applications and there probably is a higher number of shoreline structure standard applications. Has there been an effort at the DES to allow regional inspectors to focus on these more in depth larger applications while having other staff review the easy permit by notifications? Combining the shoreline/shoreland process and having dedicated staff for the notifications and more experienced staff reviewing the standard minimums, minors and major may also reduce review time, staff load, number of applications and reduce the costs significantly to the applicants.
- 7 NHANRS suggests that the NHDES may look into revamping the wetland bureau's website. This web site is confusing and hard to navigate for someone whom has experience in wetland permitting and one can only imagine how the general public feels when on the site. The proposed new rules want to lean heavily on electronic submittals for simple notifications. NHANRS agrees with this methodology as long as the process is clear and easy to use. NHANRS notes that this process will save significant staff time and again suggests that the DES wait on the reorganization until the new rules and processing are in place.

- 8 A few years ago the State Legislature passed a bill allowing large projects which need several DES permits from different programs to be submitted to the DES as one integrated permit. The bills language authorized the DES to promulgate rules for developing this type of permitting process. The goal of this integrated approach would allow the applicant to have one pre-application meeting with all the different program inspectors present, it would allow for cross program input, allow for identification of problems and solutions agreeable by all programs before application submittal. Not only would the applicant have a clear and stable process but the review of the application by several programs at once will result in a better project with the least environmental impact while meeting the project goals. The Integrated Permit approach would accomplish some of the same goals as outlined in the proposed reorganization. NHANRS contends that by devoting the right amount of time, experience and staff choices to the review process that a significant difference would result without the reorganization.
- 9 Permit by Notifications, projects that have a negligible effect to our resources should be reviewed that way. Submittal requirements should reflect this difference and inspectors should not be reviewing these types of projects in the same manner that they would review a standard application. An online approach will be very beneficial and reduce review time significantly.
- 10 Total regionalization may result more in a “we don’t do that like Region 1 around here” attitude. A NHANRS member recently had that experience in Maine where the regional approach is used. A multimillion dollar project had to go back to the drawing board because the Augusta office did things differently than the Portland office. NHANRS believes a stronger more clear management structure may solve a lot of the DES issues that have been shared over the years.
- 11 As noted in #10, regionalization results in more confusion and inconsistency between regions. NHANRS believes that the management and supervisory structure needs to be clear with clear accountability by current staff.
- 12 NHANRS is also concerned with the overall staff morale based on this proposed reorganization. Change always illicit complaints, but the outside discussions on the reorganization leave many questions as to whether this can be implemented at all in a positive manner with the possible result being a loss of good trained experienced staff at a time when new rules are being implemented. NHANRS is very concerned about the loss of experienced DES staff in the re-shuffle.
- 13 Enforcement. This should already be cross trained to an extent and makes sense. However, there should continue to be a primary department managed by a knowledgeable supervisor with staff members that understand each specific program and the rules governing them. Enforcement procedures are specific and full of legal steps and processes. Cross training with other staff employees should reflect the importance of this starting with the first person on-site, data collection and having the right enforcement person with proper expertise evaluating the issues of the enforcement action.
- 14 Many NHANRS members recognize that we work in a multi-disciplinary field. Small firms frequently cross train their staff and this works well for small projects with negligible impact...(ie this should reflect PBN’s and all notifications)...but this process gets very dangerous when the same concept is passed onto the larger complex projects which require more specific expertise. Expecting an employee to be an expert in Alteration of Terrain, Wetland Permitting, Shoreland & Shoreline Permitting and Subsurface Designs, 5 different sets of rules and the further breakdown of wetland permitting covering alternatives, impact assessment, functions and values, mitigation, plants, soils, hydrology, wildlife and endangered species is impossible. It is also why the state has developed programs that certify or license professionals. NHANRS questions whether the state will have qualified and/or certified professionals in all regions covering engineering, soils, wetlands, septic design etc....



- 15 Lastly, overwhelmingly, NHANRS members have expressed that they understand the overall thoughts of streamlining and have noted that it is commendable. They however have and continue to stress that they cannot see how the DES can group together different areas that require significantly different expertise and expect to maintain the integrity of environmental protection. 'The simplistic approach does not reflect the complicated and technical scientific and regulatory issues that each area approaches.' Although initially they may save time pushing some permits through, our members believe that there will end up being a quagmire down the road which both would not protect our natural resources nor the general interests of the public.

In summary, NHANRS has been an active participant in the discussions and ideas for the new rule rewrite which is a huge undertaking itself. While we applaud the DES for looking at different ways to streamline application review and efficiency, we believe that the reorganization should come second to the new rules. The new rules should be the focus first followed by their implementation. In the interim, the DES can look closely at their management and supervisory structure, employee functions and issues and the actual review and requirements of the smaller Permit by Notification projects. Implementation of the integrated permitting process will also serve to organize and alleviate staff time spent running back and forth between meetings and site inspections. Other DES programs run efficiently as is. The complexity of the wetlands program partially due to unruly, unorganized, contradicting rules built on an outdated structure coupled with an unclear management structure, overkill of notification requirements and review and inconsistency among staff rule interpretations and internal policy are unique to the wetlands program and what needs to be fixed. NHANRS strongly suggests focusing on the new rules and their implementation, integrated permitting and honestly evaluating the overall wetlands and shoreline program including management and staff, to encourage facilitation and consistency during the permitting process.

The New Hampshire Association of Natural Resource Scientists is available and ready to assist in any way we can for the long term benefit of our Natural Resources. NHANRS has tried to relay helpful information in this letter and hopes the DES is open to our experiences. The one fact our members understand thoroughly, is that more of the general public will submit applications and care for the environment if the process is clear, fast and enforcement policies equally passed down. Please feel free to contact us at any time for questions, assistance or we can be available for a meeting.

Sincerely,  
New Hampshire Association of Natural Resource Scientists  
Board of Directors

A handwritten signature in black ink, reading "William E. Kuriger". The signature is written in a cursive, flowing style.

William Kuriger, President

Cc: Mr. Clark Freise, NHDES Assistant Commissioner  
Mr. Eugene J Forbes, NHDES Director, Water Division  
Mr. Rene Pelletier, NHDES Assistant Director, Water Division



January 5, 2016

NH DEPT. OF  
ENVIRONMENTAL SERVICES

JAN 11 2015

Thomas Burack  
Commissioner  
New Hampshire Department of Environmental Services  
29 Hazen Drive  
Concord, NH 03301

**RECEIVED**

Dear Commissioner Burack:

It is our understanding that NHDES is undertaking a major restructuring of its staff and permit programs that may substantially impact how the regulated community obtains its permits from the various bureaus within the department.

We are very concerned, and disappointed, that this restructuring is, apparently, taking place without any meaningful input from the regulated community, including the members that this association represents.

Repeated attempts to obtain information about this reorganization from DES staff over the past year have been ignored or pushed aside.

What little we know suggests that two programs that currently work well in terms of turnaround time and predictability for our industry will suffer.

Those two programs are Subsurface and Alteration of Terrain.

We are concerned that any public outreach for comment at this very late stage will be too little and too late.

We will appreciate receiving a timely update on this process and information concerning if and when input and collaboration will be sought from the various stakeholders.

Sincerely yours,

A handwritten signature in cursive script that reads 'Buddy Champney'.

Buddy Champney  
President

A handwritten signature in cursive script that reads 'Kendall I. Buck'.

Kendall I. Buck  
Executive Vice President

cc. Ari Pollack, Esq., Gallagher, Callahan & Gartrell  
New Hampshire Executive Council

Buddy Champney  
President

Lynette Rogers  
First Vice President

Joe Harnois  
Vice President/Treasurer

Christopher Lorden, CGP  
Vice President/Secretary

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Vice President of Associates

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State Representative NAHB

Todd Mezzanotte  
Associate National Director

Eric Jackson  
National Director NAHB

Kurt Clason  
Alternate National Director

Dick Benson  
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Kendall Buck  
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Scott Palmer  
Business Development Director

Sharon Wayman  
Accounting Manager  
NH State Home Show Coordinator

Denise LaRochelle  
Association Program Coordinator

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February 5, 2016

Thomas Burack  
Commissioner  
New Hampshire Department of Environmental Services  
29 Hazen Drive  
Concord, NH 03301

Dear Commissioner Burack:

Please accept this letter as a follow-up to our prior correspondence dated January 5, 2016. Our prior letter expressed the Association's disappointment over the Department's perceived lack of transparency in sharing its reorganization plans with stakeholders and the general public. Our criticism, however, was formed prior to the announcement of your public outreach presentations and was therefore unfairly critical of the process the Department ultimately conducted. Several of our members attended your presentations and submitted questions, so we do hope you accept our apology for expressing premature frustration over a lack of access and input.

Having apologized for criticisms relating to your process, we do wish to express our concerns that the reorganization as implemented not result in the dilution of what we see as the existing efficiencies of the subsurface, alteration of terrain and shoreland programs. We would be very concerned if implementation were to result in longer review times under these programs, recognizing that by statute the wetlands program has a longer review clock than these other programs. We are, therefore, greatly appreciative of the Department's stated intention of conducting stakeholder listening sessions throughout the implementation process of the reorganization, and will be most pleased to participate in those sessions to help ensure that our concerns are being heard and addressed.

As you certainly know and will appreciate, predictability of process and approvals is essential to the development business. To its credit, the Department has repeatedly assured stakeholders of improved efficiencies, responsiveness and interaction under its reorganized structure and associated review processes. We look forward to working with the Department to ensure that the reorganization not only meets, but exceeds, the expectations that we all share for its success.

Thank you for your understanding and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kendall L. Buck'.

Kendall L. Buck  
Executive Vice President

A handwritten signature in black ink, appearing to read 'Paul Morin'.

Paul Morin  
Chair, Gov't Affairs Committee

Cc: Ari B. Pollack, Esq.  
NH Executive Council

*New Hampshire Association of Natural Resource Scientists*  
*Post Office Box 110 \* Concord, NH 03302-0110*



February 3, 2016

Mr. Thomas Burack  
NHDES Commissioner  
29 Hazen Drive, PO Box 95  
Concord, NH 03302-0095

Re: Proposed DES Water Division Land Management Programs Reorganization

Dear Mr. Burack:

On behalf of the New Hampshire Association of Natural Resource Scientists (NHANRS), I would like to thank you for meeting with myself and Mike Parsont, the Vice President of our Association. We appreciate you taking the time to thoroughly address our concerns and answer our questions in response to our letter dated December 23, 2015. There were quite a few details and much information that our membership was not aware of when developing the comments that were put forward in that letter. The clarifications that you, the Assistant Commissioner, the Water Division Director and the Environmental Programs Administrator provided us will go a long way towards alleviating our members' concerns.

As we stated in our initial letter, the members of our Association work directly with all of the DES programs that will be affected, which is the reason for the hesitancy to embrace such significant changes without a deeper understanding of the reasons for the changes and, more importantly, how these changes will affect our abilities to do our jobs for the general public, businesses, industries and developers that we represent in the State of New Hampshire. Based on the detailed information you provided us, regarding components such as the proposed structure of the reorganized groups, the maintaining of professionally trained personnel within their appropriate programs, the planned peer reviews, the intended management structure, the level of concern for maintaining consistency between regions, the intention to pursue the integrated permitting process, enforcement and more, I believe we can turn the corner and provide you with our support for the reorganization.

We still have significant concerns about how the best of intentions will translate into the reality of the actual undertaking. However, if we can be an active part of the process as it moves forward, wherein we have an open line of communication to provide our input, and corrective measures are taken when and if necessary, then we believe this reorganization effort can be a positive change for everyone. We are a great resource with pertinent information, experience and ideas from the outside end user perspective that can serve to benefit your long-term goals.

Sincerely,

Cindy Balcius, President  
NHANRS Board of Directors